

18 DECEMBER 1947

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of
WITNESSES

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18 DECEMBER 1947

I N D E X
of
EXHIBITS
(none)

1 Thursday, 18 December 1947

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 Appearances:

12 For the Tribunal, all Members sitting.

13 For the Prosecution Section, same as before.

14 For the Defense Section, same as before.

15 - - -

16 (English to Japanese and Japanese
17 to English interpretation was made by the
18 Language Section, IMTFF.)
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25

K 1 MARSHAL OF THE COURT: The International
n 2 Military Tribunal for the Far East is now in session.

p 3 THE PRESIDENT: All the accused are present
& 4 except MATSUI, who is represented by counsel. We
K 5 have a certificate from the prison surgeon at Sugamo
a 6 certifying he is ill and unable to attend the trial
p 7 today. The certificate will be recorded and filed.
l 8
e 9

u 10 S H I G E N O R I T O G O, an accused, resumed
11 the stand and testified through Japanese inter-
12 preters as follows:

13 THE PRESIDENT: Major Blakeney.

14 MR. BLAKENEY: Before resuming the reading
15 of exhibit No. 3646 I should like to point out what
16 I should have mentioned yesterday, that there is an
17 errata sheet circulated in connection with this docu-
18 ment, and I am reading it as corrected in accordance
19 with that errata sheet.

20 THE PRESIDENT: You haven't yet reached the
21 first correction?

22 MR. BLAKENEY: That is right.

23 I resume reading, then, on page 13 with
24 Section 29:

25 "The problem of German-Japanese economic
cooperation in Germany was the chief matter which

1 occupied me during my brief service in Germany. I
2 do not know whether it is necessary for me to say much
3 concerning my part in these negotiations, for the evi-
4 dence which has been produced to the Tribunal seems
5 to tell about as well as it can be told the story of
6 the absence of cooperation not only between the Ger-
7 man officials and me, but between the two governments
8 as well. In early 1938 I was instructed by the Foreign
9 Ministry to commence negotiations with the German
10 Government for conclusion of a trade agreement to try
11 to rectify the unfavorable balance which Japan's trade
12 with Germany showed under the arrangements then in
13 effect. Negotiations started between Commercial
14 Attache SHUDO and the "Wilhelmstrasse. Then in May
15 1938 Foreign Minister Ribbentrop communicated to me
16 his desire to make an agreement to the effect that
17 Germans engaged in trade in North China should be
18 given substantially equal treatment in conditions of
19 trade with Japanese traders. On receipt of this pro-
20 posal I flatly declined to enter into any negotiations
21 for the reason that I was not authorized to do so.
22 Long before -- immediately upon Ribbentrop's appoint-
23 ment as Foreign Minister, in February -- I had had
24 occasion to tell him that all important political and
25 economic matters involving the governments of Germany

1 and Japan should be transacted exclusively by nego-
2 tiations between the Foreign Minister and the Japanese
3 Ambassador or with their approval. Ribbentrop had
4 definitely replied that he willingly agreed to this.
5 As I found at this May meeting that Foreign Minister
6 Ribbentrop was still, despite his promise to me,
7 discussing economic problems of China with others than
8 the Embassy personnel directly concerned, I made little
9 effort to conceal my dissatisfaction with his attitude.
10 From about this time the discord between Ribbentrop
11 and me became impossible to conceal.

12 "30. Ribbentrop tried again, after some
13 delay, to open negotiations on the trade-in-China
14 question. This time he handed me a memorandum similar
15 to the earlier one but with the substitution of 'prefer-
16 ential' for 'equal' treatment to be accorded to German
17 nationals. This being the second time that the Ger-
18 man Foreign Minister had proposed it, I transmitted
19 this one to the Foreign Minister. With it, however,
20 I sent my opinion that it would naturally result in
21 violation of existing treaty obligations (I had in
22 mind the Nine-Power Treaty) to grant to Germany any-
23 thing other than most-favored-nation treatment in
24 China, and that I therefore opposed it.
25

"31. I received from Tokyo in response to my

1 report of Ribbentrop's proposal instructions (Exhibit
2 No. 2228-A) directing me to offer to Germany 'The
3 best possible preference' in economic matters in
4 North China, and to promise that Germany's interests
5 would be given preference over those of any third
6 country. Nevertheless, being doubtful of the appro-
7 priateness of such measures, I tentatively narrowed
8 down the proposal still further before presenting it,
9 in the form of the Pro Memoria, Exhibit No. 591. I
10 limited its terms to German 'foreign trade', and
11 offered instead of 'preferential' treatment 'benevolent'
12 treatment, an altogether different thing from the
13 preference which Ribbentrop had in mind, and sub-
14 stantially equivalent to the most-favored-nation treat-
15 ment embodied in numerous existing international
16 commercial agreements. As Ribbentrop himself states
17 in his memorandum of our conversation (Exhibit No.
18 592), he considered my formula unsatisfactory. Ne-
19 gotiations continued without showing any progress, but
20 my connection with them was cut short by my being
21 ordered, on 15 October, to leave Berlin for Moscow
22 as Ambassador to the USSR. This story I shall now
23 tell.

24 "32. I had gradually become unpopular with
25 Ribbentrop and the other German Nazi leaders, the

1 reasons being my dislike of Naziism and its creed,
2 which came to their knowledge soon enough; and doubt-
3 less my lack of sympathy for the Anti-Comintern Pact
4 likewise had become known. I was of course always
5 solicitous for the betterment of Japan's relations
6 with all powers, not excluding Germany; but my great-
7 est efforts had always been directed toward improve-
8 ment of relations with the United States, Britain and
9 the Soviet Union, and I always objected to any rapproche-
10 ment with Germany at the expense of those paramount
11 interests. From my knowledge of the strength of Ger-
12 many gained during long residence there, I did not
13 believe that Japan's future lay in alliance with
14 Naziism and Fascism.

15 "33. Beginning early in my tenure in Berlin,
16 Military Attache OSHIMA was negotiating with Foreign
17 Minister Ribbentrop for the 'strengthening of the
18 Anti-Comintern Pact.' These negotiations, as General
19 OSHIMA has himself testified (Exhibit No. 497), were
20 without my approval or participation -- which is made
21 clear also by the KIDO Diary (Exhibit No. 2262). The
22 negotiations were again in violation of Ribbentrop's
23 assurance to me that he would deal only with the Am-
24 bassador in connection with important political and
25 economic matters. The very good reason for my being

1 ignored in this matter was my known strong opposition
2 to any project of the sort. Europe was now in a state
3 of increasing tension, and the danger was clearly
4 apparent that Japan would, if tied by alliance to
5 Germany, be involved in an imminent war. I emphasized
6 to the Foreign Minister the danger to which a Japanese-
7 German-Italian alliance would expose Japan. The reinforce-
8 ment of the Anti-Comintern Pact meant a three-power
9 alliance. At last Ribbentrop presented to General
10 OSHIMA a draft of an agreement, which was sent on to
11 Tokyo by Major-General KASAHARA as a courier, and only
12 thus became known to the Foreign Minister (Exhibit No.
13 497). Having been informed of this fact, I cabled to
14 the Foreign Minister, registering my opposition to the
15 project as one which was most undesirable and should
16 be forestalled promptly for the reason that a tripart-
17 ite alliance would not, as its supporters argued, con-
18 tribute to the solution of the China Affair, but
19 rather would involve Japan in an imminent war in
20 Europe; but the Foreign Minister notified me that the
21 decision had been made by a conference of five minis-
22 ters to have the Military Attache ask that the German
23 authorities formally make a proposal with a view to
24 proceeding with negotiations on the German proposal.
25 I answered with my objections to a tripartite pact,

1 pointing out the difficulties in and disadvantages of
2 cooperation with such a dictator as Hitler. The result
3 of my sending this cablegram was that I received short-
4 ly afterward a request from the Foreign Minister to
5 assent to my transfer to the post of Ambassador to the
6 USSR.

7 "34. My position was then somewhat peculiar.
8 The Moscow post had long been my ambition; and I was
9 certainly not, in the usual sense, a success in Ber-
10 lin. It was, however, obvious that my removal from
11 Berlin would facilitate the realization of the course
12 of action which I had feared and fought and I felt
13 that by remaining there I might be able to exert some
14 restraint upon the militarists, and might even be able
15 to sabotage the military-alliance scheme. I there-
16 fore requested the Foreign Minister to leave me in
17 Berlin for the time being. A second and more perempt-
18 ory request for my assent came the following day, to
19 which I could only submit. I was appointed Ambassador
20 to the Soviet Union on 15 October, and left Berlin
21 for Moscow on the 27th.

22 "35. My transfer to Moscow naturally ended
23 my connection with Japanese-German affairs. The
24 further negotiations and the conclusion of the Tri-
25 partite Alliance itself were entirely outside my sphere.

1 I had occasion only once to have even semi-official
2 connection with these questions. This was when in
3 February 1939, sometime after my transfer to Moscow,
4 I met in Berlin with Ambassadors OSHIMA and SHIRATORI
5 and with Minister ITO, who had been sent to Berlin to
6 convey the opinion of Tokyo concerning the question.
7 I had received a telegram from Ambassador OSHIMA
8 saying that he was requesting Foreign Ministry per-
9 mission to call a meeting in Berlin, on the occasion
10 of the arrival of the ITO mission, of all Ambassadors
11 stationed in Europe; but as transportation to Berlin
12 was slow, I could not wait for advice from Tokyo, and
13 left for Berlin to attend the meeting after advising
14 the Foreign Ministry. Upon my arrival there I found
15 that the Ministry had disapproved the conference, and
16 I therefore merely had dinner with Ambassadors OSHIMA
17 and SHIRATORI who were there, and later called on
18 Minister ITO, who was sick in his hotelroom. In
19 conversation with the two Ambassadors I repeated my
20 fixed views in opposition to this alliance, and I
21 urged Mr. ITO to go home promptly to prevent the con-
22 clusion of such a pact, as it would bring disaster to
23 Japan.
24

25 "36. The prosecution have attempted to prove,
by presentation of a memorandum of Knoll of the German

1 Foreign Office of a conversation in June 1940 with
2 Ambassador KURUSU, that my opinion in the matter of
3 German-Japanese alliance had undergone a change, and
4 that Ambassador KURUSU knew of my opinions. It is true
5 that I did once, in May 1940, see him while I was
6 Ambassador in Moscow and he in Berlin, but we did not
7 discuss this matter, and I could never have expressed
8 to him such an opinion as Knoll records, for I did not
9 hold it. A perusal of the original record of Knoll
10 shows, beyond any question, that Mr. KURUSU did not
11 state to him as his opinion or mine the conclusion
12 which the prosecution have drawn.

13 "37. The Tripartite Alliance (Exhibit No.
14 43), was signed while I was still in Moscow as Am-
15 bassador (Defense Document No. 1280), and I had noth-
16 ing to do with it. As the Tribunal has already heard,
17 it was signed in such secrecy that a very few even in
18 the Government knew of it beforehand (Exhibit No.
19 2744-A). For convenience, I may mention here my later
20 connection with Japanese-German matters. The Anti-
21 Comintern Pact was renewed and extended for a further
22 term of five years on 25 November 1941, when I was
23 Foreign Minister (Exhibit No. 495). This was nothing
24 more than the continuance of the policy which had been
25 in effect since 1936, the date of the original pact,

1 and the Government had already been committed to it
2 by Foreign Minister MATSUOKA, when he visited Berlin
3 in the spring of 1941 (Exhibit No. 2694). Moreover,
4 I was successful at that time in obtaining the abroga-
5 tion of the secret protocol, the part of the Pact most
6 likely to exacerbate the sensibilities of the USSR.
7 Further, in 1945, during my second terms as Foreign
8 Minister, at the time of the formation of the Doenitz
9 regime in Germany there was opinion in some quarters
10 that the Anti-Comintern Pact, having other signatories,
11 should not be terminated. At that time I urged -- and
12 again my view prevailed -- that all political agree-
13 ments with Germany be abrogated, the Anti-Comintern
14 Pact included, particularly in view of the necessity
15 of not giving offence to the Soviet Union, as well as
16 the desirability, which I had always insisted on, of
17 disassociating our foreign policy from that of Nazi
18 ideology. This was done on 15 May 1945.

1 "38. The no-separate-peace treaty among Japan,
2 Germany and Italy was concluded in 1941, when I was
3 Foreign Minister (Exhibit No. 51). The treaty was con-
4 cluded on 11 December, but of course the negotiations
5 for it had begun before the outbreak of war with America
6 and Britain (exhibits Nos. 604-607). It will be seen,
7 however, that these negotiations were undertaken only
8 when the consummation of the Japanese-American negotia-
9 tions had come to appear all but hopeless, and that they
10 were undertaken only as a precautionary measure in case
11 worse came to worst -- all of which will be treated of
12 more fully later. As to the Japanese-German-Italian
13 military operational agreement signed on 18 January 1942
14 (exhibit No. 491), it was planned and concluded ex-
15 clusively among the military authorities of the three
16 powers. I had no knowledge of its conclusion or contents
17 beforehand, but was simply notified of it later by the
18 High Command, and then only of the fact that operational
19 zones had been established; the Tribunal doubtless
20 understands that military operations plans, such as
21 this, were not confided to civilians, no matter what
22 their rank or position. Lastly, I am charged with
23 German-Japanese collaboration as a member of the three-
24 power committee established under the provisions of the
25 Tripartite Pact (exhibit No. 127). The Pact itself

1 provides that the Foreign Ministers of the contracting
2 powers shall be ex officio members of such committees in
3 the respective countries, and it was as Foreign Minister
4 of Japan, not as an individual of any particular ideology
5 or views, that I became a member. The committee had,
6 in Japan at all events, only a nominal existence, and
7 never met while I was in office.

8 "IV. British and American Relations and the
9 Pacific War.

10 "39. Up to the time of becoming Foreign Mini-
11 ster in the TOJO Cabinet I had had little direct con-
12 tact with American and British affairs. It is true that
13 the European-Asiatic Bureau, of which I had once been
14 director, had to do with British affairs (and the pre-
15 decessor, European-American Bureau, with American af-
16 fairs); the Japanese-American and Japanese-English rela-
17 tions of those days, however, mostly related to problems
18 of China and Manchuria, and in consequence were almost
19 entirely the concern of the East Asiatic Bureau, which
20 had to do with those affairs. But of course a Japanese
21 foreign policy could never be conceived to ignore rela-
22 tions with the two dominant powers, and having served
23 and traveled in those countries and acquired considerable
24 knowledge of their conditions and the characteristics of
25 their people, I had long-considered ideas concerning

1 Japanese relations with Britain and the United States.
2 The specific American and British policy which I had
3 set forth in my 1933 document (defense document No. 146)
4 was, owing to the greatly changed situation, obsolete;
5 but I still had confidence in the principles which had
6 inspired that policy. I did not enter the TOJO Cabinet
7 to strive for domination of the world, which I had never
8 dreamed of, nor for the annihilation of America and
9 Britain nor their expulsion from East Asia. My inten-
10 tion in accepting the Foreign portfolio was to work for
11 improved relations which would lead to an enduring peace
12 with those countries, and to settle somehow the inter-
13 minable China Affair; but in October 1941, at all events,
14 the obvious immediate policy could only be to avert war.

15 "40. Before accepting the post of Foreign
16 Minister in the TOJO Cabinet, I had in effect no correct
17 knowledge of the progress of the Japanese-American
18 negotiations -- for although still nominally an ambassa-
19 dor in active service, in fact I had had no post since
20 my return from the USSR in November 1940, and was in all
21 but name living in retirement. I knew that negotiations
22 designed to effect an improvement in relations with the
23 United States and Great Britain had been in progress
24 since Ambassador NOMURA's arrival in America, and from
25 Foreign Ministry friends I occasionally heard the out-

1 lines of the subject matter; but the whole subject was
2 highly secret (it was 'State Secret,' and heavy penalties
3 were imposed by law for revealing such information to
4 any but the small circle of high officials entitled to
5 access to it), and I knew and could know nothing con-
6 crete concerning it, except that evidently relations
7 were gradually deteriorating, a process which if un-
8 checked might lead Japan into a disastrous war.

9 "41. However, I did know at the time of assum-
10 ing the post of Foreign Minister enough of Japanese
11 diplomatic and internal political history to be fully
12 aware of the impotence of the Foreign Minister of Japan
13 even within the field of foreign relations which was out-
14 wardly his charge. The position of the Foreign Minister
15 in the Japanese system differed so radically, in both
16 theory and practice, from that of the equivalent official
17 in most other modern nations that I should like to em-
18 phasize certain facts in connection with the matter,
19 for without full comprehension of this question my
20 position cannot be understood.

21 "42. On the one hand, the Foreign Minister is
22 not solely charged, even within the cabinet or the govern-
23 ment itself, with responsibility for the conduct of
24 foreign affairs. This is apparent from the Constitution
25 itself, according to which the ministers are collectively

responsible to the Throne (full explanation of this point
1 has also been made to the Tribunal by former Minister of
2 Welfare OKADA, Tadahiko, record page 17,752, and former
3 Director of the Legislative Bureau MORIYAMA, defense
4 document No. 2930.) With the collective responsibility
5 has come its corollary, collective management of affairs;
6 but subject to still another growing tendency of recent
7 years, in every country, that of the Premier to assume
8 more and more power over all affairs of state, includ-
9 ing foreign affairs. On the other hand, it has to be
10 noted that in Japan the government itself has undergone
11 within the past, say, fifteen years, a progressive weaken-
12 ing of its power vis-a-vis the High Command of the army
13 and the navy. The Tribunal is well aware of the inde-
14 pendence which by virtue of long custom and the Consti-
15 tutional provisions was enjoyed by the High Command; but
16 what I wish to emphasize especially is the gradual,
17 sometimes imperceptible, but unceasing encroachment by
18 the High Command upon the sphere of action of the govern-
19 ment. By virtue of the assertion that such matters
20 bore directly upon their special concern of national de-
21 fense, the High Command had come to have the power even
22 in time of peace to force acceptance of its proposals in
23 matters of budgets, national finance, industry, education
24 and other fields, as well as foreign affairs. The For-

1 eign Minister, on the other hand, had no means of know-
2 ing the military strength of the country, and even in
3 the field of foreign affairs was quite powerless to
4 block any measures insisted upon by the military.

5 "43. In the atmosphere of war of the ten years
6 since the Manchuria Incident the military had wielded
7 increasingly strong influence over foreign affairs, and
8 the area within which a foreign minister could influence
9 the national policy had become very much circumscribed
10 indeed. As examples of this process, most of which are
11 already familiar to the Tribunal, I might mention the
12 following. The testimony of Baron SHIDEHARA, Foreign
13 Minister at the time of the Manchuria Incident, has
14 shown how powerless he was to influence the decision of
15 the high national policy where war questions were in-
16 volved. After the commencement of the China Incident
17 there was an increasingly strong opinion in military
18 circles that the Foreign Ministry should be restricted
19 as far as possible; at that time occurred the establish-
20 ment of the Koain (China Affairs Board), one of the
21 manifestations of the design to deprive the Foreign
22 Ministry of more and more of its responsibility, protest
23 against the creation of which was a main reason leading
24 Foreign Minister UGAKI (himself a retired full general
25 of the army) to resign his office. Examples of the

1 Foreign Minister's being ignored in the taking of the
2 most serious decisions affecting the national policy were
3 numerous in the period leading up to the Pacific War.
4 Thus (as I learned for the first time in this Tribunal)
5 in the spring of 1941 military currency was already be-
6 ing printed for use in a possible war, without consulta-
7 tion with the Foreign Ministry, notwithstanding this
8 currency was to be used in foreign countries, and accord-
9 ingly might be expected to call for consultation with
10 the Foreign Ministry. Again, on 17 October, upon the
11 occasion of the resignation of the third KONOYE Cabinet,
12 the Lord Keeper of the Privy Seal called in the outgoing
13 War and Navy Ministers -- but not the Foreign Minister
14 -- urging them to a review of the Imperial Conference
15 decision of 6 September and to come to agreement between
16 army and navy on a basic national policy for the most
17 serious question which can face a nation -- war or peace
18 (exhibit No. 1154).

19 "44. It was in these conditions that I was
20 asked by Premier-Designate TOJO on 17 October 1941 to
21 assume the post of Foreign Minister. Knowing these
22 things very well, and knowing that it was the strong
23 stand of the army, as expressed through Minister of War
24 TOJO, which had directly brought about the downfall of
25 Prince KONOYE's last cabinet, I was at some pains to

1 assure that as Foreign Minister I would have scope for
2 action. Therefore I told General TOJO, when I called
3 upon him at his request at about 11:30 on the night of
4 17 October, that before coming to any decision whether
5 to accept the portfolio I must first be informed of the
6 situation which had brought about the fall of the pre-
7 ceding cabinet. After hearing his explanation I said
8 that in the event that the army's stand was to be un-
9 compromising, if even only on the question of the sta-
10 tioning of troops in China, the negotiations would to a
11 certainty end in a breakdown. Since in that case the
12 continuance of negotiations would be meaningless, I said
13 that if the new cabinet was to be formed on the basis of
14 such a prospect I should have to reject the proffered
15 portfolio of Foreign Affairs. I made it quite plain that
16 I would agree to enter the cabinet only if the army con-
17 sented to make considerable allowances in reviewing the
18 question of troop stationing, and as well to reexamine
19 the other questions in the Japanese-American negotiations
20 -- in short, only if the army genuinely intended to
21 facilitate the consummation of these negotiations on a
22 rational basis. In response to my statement of my posi-
23 tion, General TOJO assured me that reconsideration of
24 the various questions involved in the negotiations, in-
25 cluding that of the stationing of troops in China, might

1 be undertaken. On this assurance, I agreed to accept
2 the Foreign Ministership, and on the following day, 18
3 October 1941, the investiture ceremony was held and the
4 TOJO Cabinet was organized. There has been some mention
5 during this trial of a 'clique' centering around General
6 TOJO. I did not and do not know whether such a clique
7 existed; but in this connection it may be worthwhile
8 for me to state the extent of my acquaintance with General
9 TOJO and some of the other defendants. So far as my
10 memory serves, I had met General TOJO prior to 17 October
11 1941 when he called me in and requested me to accept the
12 portfolio of foreign affairs, twice; the first time
13 (though he does not remember this and I am vague concern-
14 ing the details of time and place) in 1935, when he was
15 chief of the Temporary Investigation Section of the
16 War Ministry; and again in Hsingking, in 1937, during
17 my visit of inspection to Manchukuo. In Hsingking we
18 met only with a group of people, never tete-a-tete. We
19 never had more than this bowing acquaintance; I knew
20 nothing, before entering his cabinet, of his personality
21 or outlook and he, I suppose, nothing of mine. I was
22 not selected as Foreign Minister by reason of any per-
23 sonal relations with the Premier, for none existed, but
24 (I assume -- I never knew the facts) as a senior of the
25 Foreign Ministry eligible in the normal course for the

place. Three of the other defendants (DOHIHARA, HASHI-
1 MOTO and HATA) I met for the first time when we were
2 confined in Sugamo Prison; three others (Generals KIMURA,
3 MUTO and SATO) after I became Foreign Minister. The
4 rest I had known for varying periods; but the only ones
5 who could be said to be more than official acquaintances
6 were the defendants HIROTA and SHIGEMITSU of the For-
7 eign Ministry. With some of the others I had had
8 occasion to come into more or less frequent official
9 contact. General OSHIMA I first met in Berlin, when I
10 was appointed Ambassador and found him there as Military
11 Attache.
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1 "45. Concurrently with the Foreign Affairs
2 portfolio, I took over that of Overseas Affairs, con-
3 cerned with Japan's overseas possessions and colonies,
4 and emigration. In my brief connection with that
5 office -- I was Minister only to 2 December 1941 --
6 I conducted no business whatever of the Ministry.
7 So far as I remember, I was on the premises of the
8 ministry three times -- once to be welcomed after
9 investiture as Minister; once when I dropped in
10 passing to look about; and finally to say goodbye to
11 the officials upon quitting the ministership. The
12 Ministry was capably operated by the Vice-Minister, who
13 had been with it since it was a mere bureau, and I
14 was entirely too busy with the Japanese-American
15 negotiations during October and November 1941 to
16 devote any attention to its affairs -- aside from
17 the fact that I knew nothing about them. With this,
18 I shall say no more concerning the Ministry of Over-
19 seas Affairs.

20 "46. As I have mentioned above, I had not
21 been informed prior to becoming Foreign Minister of
22 the details of the course of the Japanese-American
23 negotiations, which were high state secrets. I had,
24 for example, absolutely no knowledge of the Imperial
25 Conference decision of 2 July, which effected a

1 decisive change in the course of Japan's policy;
2 while regarding the decision of 6 September, which
3 had driven diplomacy into a corner, I had only vague
4 knowledge, nor was I familiar with the proceedings of
5 the 14 October cabinet meeting, which had made the
6 fall of the KONOYE Government inescapable. I felt the
7 need at the very outset to acquaint myself in detail
8 with the negotiations which had gone before, by
9 reference to the documents and papers relating to
10 them, and this I did immediately upon my assumption
11 of office. My chief reference data for this purpose
12 were the cables from Washington reporting Ambassador
13 NOMURA's negotiations, the copies of cables from
14 the Foreign Ministry to the Embassy and the 'Opinion'
15 of Foreign Minister TOYODA, exhibit No. 2916.

16 "47. My first impressions upon examining
17 the proposals which had been advanced by the two
18 parties to the negotiations, and the correspondence
19 between the Foreign Ministry and the Embassy in
20 Washington, were about these: First, that while
21 basically Japan's position had been one of endeavoring
22 to secure the stability of the Far East taking into
23 consideration the actual conditions resulting from
24 the events which had occurred since the Manchuria
25 Incident, that of the United States had been one of

1 not paying due regard to these conditions, which
2 fundamental and almost unbridgeable difference in
3 the viewpoints of the two countries had brought the
4 negotiations virtually to a stalemate. Second,
5 there was an extraordinary situation in that although
6 Japan had in the course of the negotiations made
7 considerable concessions from the desire to settle
8 the China Incident which had so long been an embar-
9 rassment to her, nevertheless the positions of the
10 two nations could be truly said to be farther apart
11 by October than in April. This was owing to the
12 United States' having taken a progressively stronger
13 stand -- gradually from about June, then after the
14 Japanese advance into southern French Indo-China
15 in July more rapidly cooling toward the negotiations.
16 Thirdly, it was generally understood in Tokyo at
17 that time that an agreement in principle had been
18 reached with the United States on two of the three
19 basic questions in the negotiations -- the Tripartite
20 Pact question and that of the non-discriminatory treat-
21 ment in trade in China. Premier TOJO himself told
22 me that, based on the reports from Ambassador NOMURA,
23 such was the situation; it therefore appeared that
24 there remained only one large point of contention --
25 the stationing of troops in China -- between the

1 United States and Japan.

2 "48. Since the days of the second KONOYE
3 Cabinet, the Japanese- American negotiations had been
4 managed in the Liaison Conference between the Govern-
5 ment and the Imperial General Headquarters. The
6 Liaison Conference has been much discussed in the
7 evidence here, but I do not believe that its nature
8 and power have been made sufficiently clear. I wish
9 therefore to give the following explanation. The
10 Liaison Conference, which has no standing as a
11 constitutional organ of government, dated from the
12 time of the first KONOYE Cabinet, when it became
13 necessary to establish some liaison between the mili-
14 tary High Command and the Cabinet, each of which was
15 responsible directly to the Emperor. I repeat, the
16 Conference as such has no constitutional existence,
17 and its decisions had in a formal sense no weight.
18 But since the decisions were treated at that time as
19 being binding so far as concerned those present
20 (Premier, Chiefs of Army and Navy General Staffs,
21 Army and Navy Ministers, Foreign and Finance Minis-
22 ters and President of the Planning Board normally;
23 occasionally other ministers as required), in prac-
24 tice they had great weight. Since the Army and Navy
25 Vice- Chiefs of Staff were almost always in attend-

1 ance before the war, and since of the three secre-
2 taries of the Conference (Chief Secretary of the
3 Cabinet, Directors of Military and Naval Affairs
4 Bureaus) two were military men, it can be seen
5 how strong the military influence in the Conference
6 was. Indeed, the fact of the establishment of such
7 a conference is proof of the fact that the military
8 authorities were not only interfering in politics
9 but were exercising such influence as to control
10 and direct the national policy, and that some
11 coordination was needed; but while the military
12 members of the Liaison Conference exercised great
13 influence on affairs of state, the civilian members
14 exercised very little or none on military affairs, and
15 were not allowed even knowledge of military opera-
16 tions. Decisions of the Liaison Conference involv-
17 ing affairs of state had of course to be presented
18 to the Cabinet -- and, in proper case, to an Imperial
19 Conference -- but in almost no instance did such a
20 decision fail to pass through the Cabinet in the form
21 in which the Conference had adopted it. Of course
22 drafts of the decisions of the Liaison Conference
23 were always prepared beforehand -- the matters
24 examined by the staffs of the ministries concerned
25 and coordinated by the three secretaries before they

1 were submitted to the Conference; hence the matters
2 to be passed upon were known in advance to the
3 ministers and high officials of the ministries con-
4 cerned, which facilitated their approval by the
5 Cabinet. In accordance with the well-established
6 custom which had prevailed since the days of the
7 second KONOYE Cabinet, at that time all explanations
8 to the Throne of deliberations and decisions of the
9 Liaison Conference on questions involving peace or
10 war were made by the Premier, the Foreign Minister
11 reporting only on the diplomatic negotiations them-
12 selves.

13 "49. Thus immediately after the formation
14 of the new cabinet, meetings of the Liaison Confer-
15 ence again began to be held almost continuously,
16 undertaking the most thorough reconsideration from
17 every point of view of Japanese policy and its ad-
18 justment to the Japanese-American negotiations. To
19 understand the situation of those days, it is neces-
20 sary to bear in mind the state of opinion in Japan.
21 The United States, Britain and the Netherlands had
22 ruptured economic relations with Japan in July, and
23 were known to be strengthening their measures of
24 cooperation directed against Japan, thus making it
25 appear, rightly or wrongly, that those Governments

1 regarded a war as highly probable and were antici-
2 pating its outbreak. Japan was then engaged in a
3 war with China which had been in progress for over
4 four years (or, in another way of looking at it,
5 since 1931). With all public opinion which mani-
6 fested itself approving of and supporting Japan's
7 course during and since the Manchurian Incident, it
8 was unthinkable for any cabinet even to consider
9 ignoring all of the changed conditions which had
10 resulted from those years of warfare, as the United
11 States was demanding of us -- in fact, no Japanese,
12 even those of us who had most strongly opposed
13 aggressive courses, felt that we should do so. In-
14 deed, the strong-policy advocates were already before
15 the inauguration of the TOJO Cabinet declaring with
16 finality that there was no prospect of a settlement
17 with the United States, and insisting that measures
18 of self-defense be taken without further loss of time.

19 "50. My position at that time will be
20 apparent from the conversation which I had with
21 Premier TOJO at the time of his offering me the
22 Foreign portfolio; it was my desire to bring the
23 negotiations to successful consummation without fail,
24 for the sake not only of Japan but of the world. It
25 was, of course, clear from the outset that the mili-

1 tary authorities held strong views concerning the
2 Japanese-American negotiations but I believed that
3 there was still some prospect of saving the situa-
4 tion and ensuring the continuance of peace and a
5 settlement which would be to the benefit of both
6 countries. Since, however, from the time of the
7 previous KONOYE Cabinet all basic matters concerning
8 the Japanese-American negotiations were discussed
9 and decided upon by the Liaison Conference, so in
10 fact the Foreign Ministry was restricted in its con-
11 duct of foreign affairs to what was discussed with
12 and gained the approval of the High Command in the
13 Liaison Conference. One of the first steps that I
14 took to further the Japanese- American negotiations
15 was a removal from the Foreign Ministry of a number
16 of officials who were urging the adoption of a strong
17 policy toward Britain and the United States and were
18 trying to guide foreign policy in an unsound direc-
19 tion, even going to the extent of conspiring with
20 or catering to the radical elements of the Army and
21 the Navy to achieve this. This had gone so far that
22 many of the moderates of the Ministry, who consti-
23 tuted the great majority, had come to shrink from
24 expressing their views, and their influence was
25 declining, which not only disturbed the execution of

1 a sound foreign policy in general, but in my judg-
2 ment was likely to have a direct effect for the
3 worse on the Japanese-American negotiations. I
4 therefore determined to eliminate the radical ele-
5 ments from the service, and instructed Vice-
6 Minister NISHI to carry out such a purge, the de-
7 tails of which have been testified to (defense docu-
8 ment No. 2741). The result of my action was, I
9 think, that the discipline of the Foreign Ministry
10 personnel was effectively restored to a condition
11 where we could exert all our efforts for the success
12 of the negotiations without being distracted by
13 internal dissention.

14 *51. As I have said, the Liaison Conference
15 meetings began immediately upon installation of the
16 new cabinet. At the first meeting, on 23 October,
17 the Chief of the General Staff of the Army, General
18 SUGIYAMA, emphasized the need of hastening a decision.
19 The intent of the 6 September decision of the Imper-
20 ial Conference, he asserted, was that during the month
21 of September diplomacy should be accorded primary
22 emphasis and military preparations subordinated, but
23 that from the beginning of October preparations for
24 military operations would be the primary and diplomacy
25 the secondary concern. Thus I soon found that despite

1 the understanding that the 6 September decision would
2 be reexamined, the High Command's unceasing accelera-
3 tion of preparatory military actions as well as its
4 strong stand on the conditions of the negotiations,
5 were to be an obstacle to the management of the
6 negotiations throughout. At the time that I became
7 Foreign Minister and a participant in the Liaison
8 Conference the only other changes in its membership
9 were the Ministers of Navy, SHIMADA, and Finance,
10 KAYA. There is a sort of momentum which must be
11 reckoned with in such a case; not only did those
12 who had been members of the Conference longer exer-
13 cise greater influence in its deliberations than
14 did newcomers, but they were also unable entirely
15 to free themselves from the history of the matters
16 discussed. Their approach to the reexamination of
17 the 6 September decision, therefore, was to take that
18 decision as a basis and to study what revisions of
19 it could be made; and there was a strong feeling that
20 it should not easily be changed. At the same meeting
21 of the Liaison Conference -- the first -- the Vice-
22 Chief of the Army General Staff, Lieutenant-General
23 TSUKADA, was even more pessimistic and more intransi-
24 gent: he saw, he said, no possible prospect of a
25 successful outcome of the Japanese-American negotia-

1 tions, and in view of the fact that Britain and
2 America had already ruptured economic relations and
3 strengthened their encirclement of Japan, these
4 should be broken off at once and action taken in
5 self-defense. I opposed this position of the High
6 Command vigorously, insisting that if there were
7 means of breaking the deadlock it was necessary that
8 all of them be tried; and I declared that since there
9 was room to try them, it would be an error to be over-
10 hasty in taking military action now. With the object
11 of reconciling these sharply-conflicting viewpoints
12 the Liaison Conference studies went on, with recon-
13 sideration and study continuing every day, sometimes
14 through the night and into the early hours of the
15 morning; debate often developed into heated argument;
16 no effort was spared for minute and careful discus-
17 sion of the problems on hand.
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1 "52. There had been three major points of
2 difference between the two Governments; the Tripartite-
3 Pact question, that of nondiscriminatory access to
4 trade in China, and that of the stationing of Japanese
5 troops in China. It then appeared, from the report
6 of Ambassador NOMURA, that of these the first two had
7 reached a point of understanding where agreement would
8 readily be reached (exhibit No. 2906). I therefore
9 concentrated my efforts on persuading the Liaison
10 Conference to agree to the making of such further
11 concessions on what was considered the remaining
12 outstanding problem--that of the stationing of troops
13 in China--that agreement might be reached with
14 America. My study of the subject had convinced me
15 that it would be necessary to make some further
16 advance toward the American position, the best method
17 of approach to which was by adopting as a basis the
18 conditions which my predecessor, Foreign Minister
19 TOYODA, had regarded as offering the possibility of
20 agreement (exhibit No. 2916), and then endeavoring
21 to get agreement on new proposals. I therefore worked
22 to secure agreement by the Liaison Conference upon a
23 program developing those points. There was at that
24 time a wide gulf between the positions of the two
25 parties in the Japanese-American negotiations, and

1 it was agreed by all that it would require a radical,
2 almost revolutionary, change in the American attitude
3 for any prospect to appear of settlement on the basis
4 of the minimum demands contained in the 6 September
5 decision. From the beginning, however, the majority
6 of the participants in the Liaison Conference opposed
7 the adoption of the principle of withdrawal of troops
8 from the specified areas of China, and I had to fight
9 unceasingly for it; the Army members especially
10 strongly emphasized the necessity of indefinite
11 stationing of Japanese troops in specified areas of
12 China. In the end, as a result of my strong conten-
13 tion that it was improper and disadvantageous to
14 station troops indefinitely on the soil of another
15 country, the others relaxed their stand to the extent
16 of agreeing with me to put a time limit on the station-
17 ing. As to the duration, however, various strong
18 opinions were still presented. I first proposed the
19 same time limit as that suggested by Foreign Minister
20 TOYODA, five years. I could obtain no support for
21 this, and then suggested eight years and ten years,
22 also without success; there were even suggestions in
23 the Conference of setting a 99-year period, or one of
24 50 years. Finally twenty-five years was agreed upon
25 as an approximate limit. It will be observed that the

1 actual proposal (Proposal 'A') to the United States
2 did not mention the twenty-five year period, but
3 limited the time only (as had been done in all pro-
4 posals) to 'a necessary period.' This was because
5 it was felt that at that stage the whole negotiation
6 might be upset if debate over details were injected
7 into it. The twenty-five year 'approximate goal'
8 was therefore given to Ambassador NOMURA to be used in
9 case of inquiry by the United States; but I had a talk
10 privately with the Premier, and reached an understanding
11 with him that if we found the United States to be in
12 a receptive mood toward Proposal 'A', in general,
13 still further moderation of its terms might be con-
14 sidered. I did succeed in winning agreement to
15 limiting the stationing of troops in the geographical
16 sense, by having excluded from the areas where troops
17 would be stationed the Shanghai triangular zone,
18 Amoy and others; this too was achieved only after a
19 struggle, for there was opinion by the military and
20 naval authorities that we should retain the right to
21 station troops at all the points specified by the
22 1940 treaty between Japan and the Wang Ching-wei
23 regime.

24 "53. A related problem was that of French
25 Indo-China. Admiral TOYODA's proposal in this

1 connection was that of no further increase of
2 Japanese troops in Indo-China, in view of the
3 apprehension entertained by the United States over
4 the threat of Japanese military advance to the south
5 with Indo-China as a springboard. With respect to
6 this point also I prevailed upon the Army to agree,
7 in pursuance of the main object of avoiding war, that
8 upon the reaching of an agreement with the United
9 States all troops would be immediately withdrawn
10 from southern French Indo-China--a greater concession
11 than that proposed by Foreign Minister TOYODA. In
12 this matter, too, the opposition was strong; I won
13 my point here and on the time limit for stationing
14 of troops in China only by threats to resign if this
15 much scope for diplomatic action was not allowed me.

16 "54. Persuading the Liaison Conference to
17 agreement on these two major points was not achieved
18 without long and arduous work--for, despite the
19 'wiping the slate clean' which was often spoken of,
20 practically it was not possible to ignore entirely
21 the past course of affairs, and the limitation imposed
22 by the 6 September decision upon diplomatic action
23 did still subsist, at least that part which was a
24 fait accompli--namely, that the period up to the
25 middle of October had passed, and that the increasing

1 military preparations which had been carried out had
2 given rise to a feeling among the military that Japan
3 would not be defeated if war came. This constituted
4 a great obstacle to the re-examination of the 6
5 September decision or the determination of the con-
6 ditions of further diplomatic negotiations. But
7 while I had expected that the Army's stand on the
8 making of concessions in the negotiations would be a
9 strong one, I was somewhat astonished, in view of
10 the history of the matter, to find from the Liaison
11 Conference discussions toward the end of October that
12 of the Navy scarcely less strong. In view of this,
13 on 30 October I sent a representative to Admiral
14 OKADA, veteran of the Navy and an ex-premier who, I
15 thought, had much influence in naval circles, to
16 inform him of this situation and to request him to
17 use his influence to moderate the stand of the Navy
18 toward the negotiations.

19 "55. By these efforts I finally succeeded
20 in securing consent of the Liaison Conference to my
21 presenting the Proposals 'A' and 'B', which were
22 approved at the Imperial Conference of the 5th. The
23 plan of these two proposals was my own idea, but sub-
24 ject to modifications as above mentioned, and in the
25 form adopted represented the utmost concessions which

1 at that time could be wrung from the military author-
2 ities.

3 "56. In addition to the question, already
4 discussed, of whether and on what basis to continue
5 the negotiations with the United States, there was
6 another which was never absent from the background
7 of the Liaison Conference discussions. This was the
8 question of what Japan's policy should be if the
9 negotiations failed in the end. This question first
10 became explicit at the all-night session of 1-2
11 November, when there was a heated discussion of it
12 and I again insisted with all possible force on
13 avoiding war. To me it seemed of paramount importance
14 to avoid war at almost any cost; I had seen the
15 after-effects of World War I, in Europe, and knew
16 that modern warfare would bring still greater suffering
17 and misery to the peoples of the belligerent countries,
18 and I felt that only by steady, sound development,
19 avoiding sudden expansion or war, could a nation pro-
20 gress. I therefore insisted that even if the nego-
21 tiations should end in failure, war need not follow;
22 that even in such circumstances we should exercise
23 patience and forbearance and await a changed situation.
24 The military representatives retorted with the utmost
25 vehemence that Japan must fight sooner or later,

1 unless the negotiations could be concluded, for the
2 reason that Japan's dependence upon imports of
3 supplies, especially petroleum, was so great that
4 with economic blockade of Japan in progress the
5 'gradual exhaustion' of Japanese resources was
6 apparent, and that if after our stockpiles had fallen
7 to a minimum additional pressure were applied to en-
8 force demands made by the United States and Britain
9 relative to China or other problems we would have no
10 alternative but complete submission without being
11 able to fight. In this connection, a suggestion had
12 been made that perhaps we could continue with economic
13 relations ruptured, assuring a supply for our needs
14 by the production of synthetic oil. I concurred in
15 the suggestion and argued in support of it, but the
16 opinion of the Planning Board was that reliance could
17 not be placed on synthetic petroleum, for Japan's
18 production of iron and coal was insufficient, and
19 their use for manufacture of petroleum would be at the
20 sacrifice of other vital industries. The Board's
21 opinion was also that, in view of the amount of equip-
22 ment and other materials needed, it would if it were
23 attempted be four or five years before annual pro-
24 duction of four million tons could be attained. Thus
25 the overwhelming opinion of the Liaison Conference was

1 that though there might be a possibility of the
2 international situation's turning in our favor if
3 we exercised patience and watched the development
4 of affairs until the spring of 1942, nevertheless
5 in view of the gradual exhaustion of our stockpiles
6 and the operational disadvantages which would come
7 with delay, the prospect of the negotiations must
8 be definitely ascertained while the situation was
9 still favorable to Japan, and that if they were to
10 fail we must go to war without further loss of time.
11 The general feeling was, throughout this period,
12 that the United States was conducting negotiations
13 only to gain time for military preparations, and it
14 was pointed out that from this cause also delay was
15 disadvantageous to Japan.

16 "57. The great majority of those attending
17 the Liaison Conference were, as I have said, of the
18 view that there was no alternative to war if nego-
19 tiations failed. The Army High Command expressed
20 confidence in victory in the over-all prospect of the
21 war. But the view of the Navy High Command was that
22 they were confident of initial success; that though
23 the situation after a year and a half or two years
24 would depend on the general strength of the country
25 and the international situation, we could establish

1 an impregnable position if we occupied strategic
2 points in the South; and that since we could only go
3 to war immediately if negotiation failed and since
4 we would lose the opportunity of success unless we
5 did so immediately, we should decide on that day the
6 steps to be taken in case of failure of negotiations.
7 As, however, it was clear to me that once a war with
8 America and Great Britain began it would be a long
9 war, I thought it a shortsighted view and a great
10 mistake to depend much on the good prospects at the
11 outset. I knew, I said, something of the determina-
12 tion and indomitable spirit of the American and British
13 people, and by embarking Japan upon a war with them,
14 should we lose it, no matter if the other party was
15 wrong, we would be inviting disaster to our country.
16 I therefore specifically asked the War and Navy
17 Ministers for their views on the over-all prospect
18 of a war.

19 "58. The War Minister, TOJO, replied by
20 saying that the prospects were certain that not only
21 success at the outset but also victory in the war as
22 a whole could be won. Navy Minister SHIMADA said that
23 there was no need for pessimism; and the Chief of the
24 Naval General Staff, Admiral NAGANO, stated, in
25 addition to reiterating the necessity of immediate

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1 decision, that the Navy had every confidence in
2 its ability to carry out interceptive operations,
3 and that if the United States fleet should venture
4 northward from the Central Pacific the Japanese
5 Navy could and would destroy it, in the area of
6 the Mandated Islands.

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1 "59. After the all-night discussion on 1-2
2 November the majority agreed that if the negotiations on
3 the basis of Proposals 'A' and 'B' failed Japan would
4 decide upon war. However, the explanations of the military
5 and naval authorities and of the Planning Board failed
6 to satisfy me, and I was not willing to concur at once
7 in the proposal to decide on war in case the negotiations
8 failed. Therefore, despite the High Command's and the
9 Navy Minister's pressing for an immediate decision, at
10 the conclusion of the Liaison Conference of 1-2 November
11 I requested that I be given the night to think the matter
12 over before giving my vote. Finance Minister KAYA joined
13 me in this request.

14 "60. I deliberated over the whole matter that
15 night. Although I felt that something less than full
16 credit should be accorded to the assurances of the military
17 authorities, I could not refute their arguments, having
18 no accurate data (all of which were military secrets)
19 upon which to judge of the condition of the armed forces
20 of Japan, nor of the national strength of Japan in other
21 fields. All of the arguments from the viewpoint of the
22 international situation had been fully considered. I
23 had pointed out the vast material and spiritual strength
24 of Britain and the United States, and I had insisted
25 that no great expectation could be entertained of German

1 assistance. I came to the conclusion that so far as con-
2 cerned the views of the armed services on the prospects
3 of war, I was in no position to refute them or disprove
4 their factual basis, but had to take them on trust. The
5 only remaining question was whether I might be able to
6 bring about a change in the situation by my own resigna-
7 tion. In this connection I called, in the morning of
8 2 November, on former Premier HIROTA, who was one of my
9 seniors in the Foreign Ministry and from whom I had
10 received advice and assistance on other important problems.
11 I explained to him the general situation, and told him
12 that the Japanese-American question was in far more ser-
13 ious state than I had thought when I entered the Cabinet,
14 and that there was great danger of war despite my resolu-
15 tion to succeed by diplomacy, and asked his opinion of
16 whether there was a possibility of bringing about a change
17 in the situation by my resignation. Mr. HIROTA was op-
18 posed to the idea; if I resigned, he pointed out, a
19 supporter of war might immediately be appointed Foreign
20 Minister, therefore I should remain in office to do all
21 that I could to maintain peace. Meanwhile, Vice-Minister
22 NISHI, whom I had sent to learn the Finance Minister's
23 decision, returned with the report that Mr. KAYA had
24 reported to Premier TOJO his concurrence in the decision
25 of the majority of the Liaison Conference. It seemed to

1 me, considering all these factors, that there was nothing
2 for me to do but agree; and I therefore called on the
3 Premier around 12 o'clock and told him that I did so.
4 I took the occasion, however, to secure his agreement to
5 several suggestions which I made to him. One was that
6 if the United States showed a receptive attitude toward
7 either of our proposals, 'A' or 'B', he would support
8 me in obtaining Japanese reconsideration of our maximum
9 concessions, for the sake of the success of the negoti-
10 ations. Premier TOJO also confirmed the agreement which
11 I had obtained from the High Command in the Liaison
12 Conference, that if negotiations should be successfully
13 concluded, all military operations would be suspended
14 and the original status restored. I told the Premier
15 at that time that I would now continue the negotiations
16 on the basis of Proposals 'A' and 'B', with the resolve
17 that if they did end in failure I might consider resign-
18 ing. The proposals were reported to the Cabinet meeting,
19 with my explanation of how they had been decided upon
20 by the Liaison Conference. The proposals were of course
21 approved by the Cabinet, and also by an Imperial Con-
22 ference on 5 November.
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24 "61. Proposals 'A' and 'B', which were approved
25 by the Imperial Conference on 5 November, are already
in evidence (exhibits Nos. 1246 and 1245H). I felt that

1 if the United States were willing to understand Japan's
2 position and manifest a spirit of reciprocity, it might
3 be quite possible to break the deadlock by agreement on
4 the general lines of Proposal 'A'. By that time, however,
5 matters had reached such a stage that settlement of all
6 the outstanding problems at a stroke was likely to be
7 difficult at best, and sure to be impossible if we en-
8 countered continued American insistence on their demands.
9 It was for the purpose of averting a crisis by agreement
10 on the most urgent matters calling for immediate solution
11 that I had prepared Proposal 'B' as well. The intention
12 of Proposal 'B' was, by restoring conditions to something
13 resembling normal relations -- to those prevailing before
14 July -- to create a calm atmosphere and remove the in-
15 minent threat of an outbreak of war.

16 "62. Negotiations on the basis of the new pro-
17 posals commenced in Washington on 7 November. The course
18 of the negotiations in Washington has been fully testi-
19 fied to by the witness YAMAMOTO (Exhibit No. 2915), and
20 I shall not repeat his explanations. The deliberations
21 of the Liaison Conference, however, continued; it would
22 be a happy solution if the impasse in the negotiations
23 could be broken by the two new proposals, but in the
24 light of the past attitude of the United States suffici-
25 ent expectations of favorable reception could not be

1 entertained to justify the abandonment of further study
2 toward the eventuality of failure of the negotiations.
3 Hence the Liaison Conference discussions treated not only
4 of the conduct of the negotiations but also of measures
5 to be taken in case of failure of negotiations.

6 "63. It was a little before this time that I
7 discovered that the condition of the negotiations was
8 not quite what we had all thought it. I have mentioned
9 before the reports from Washington had given reason to
10 believe that the Tripartite Pact and China-trade questions
11 had already been all but settled. The longer I studied
12 the files, however, the less evidence I could find of
13 anything tangible to support this belief; and finally
14 I inquired directly of Ambassador NOMURA. His answer
15 was that the reports to that effect had not been quite
16 correct. This naturally made the prospects of settle-
17 ment even more remote, though I still had confidence
18 that my Proposals 'A' and 'B' were fair and reasonable,
19 and hoped that the United States might be persuaded to
20 recognize that fact. It was at this same time that I
21 sent Ambassador KURUSU to assist Ambassador NOMURA in
22 Washington. My motive in doing this was that of having
23 in Washington during that critical period an experienced
24 career diplomat, to assist Ambassador NOMURA in conducting
25 the negotiations. Since Ambassador NOMURA had

1 specifically requested even before I became Foreign
2 Minister that Ambassador KURUSU be sent for the purpose
3 (exhibit No. 2921), and since Ambassador KURUSU and I
4 shared a sense of the importance of maintaining good
5 relations with the United States, he was the natural
6 choice for the purpose. On 3 November, therefore, I
7 requested him to accept the mission, which he did; I
8 outlined to him the situation prevailing and the imper-
9 ative necessity for early settlement of Japanese-American
10 problems, war being unavoidable if they failed, and re-
11 quested him to convey this to Ambassador NOMURA and to
12 cooperate with him to do their best for the success of
13 the negotiations, which he promised to do.

14 "64. Again we encountered the time-limit. Since
15 the beginning of November the High Command representa-
16 tives had urged in the Liaison Conference necessity from
17 operational considerations that it be ascertained prompt-
18 ly whether the negotiations would succeed or fail, and
19 they had stated strongly in the beginning of November
20 that it must be made clear in the course of that month
21 what the prospect of the negotiations was. It was neces-
22 sary, they said, for them to make operational preparations
23 on the assumption that military action would be commenced
24 in the beginning of December should war become unavoidable.
25 I argued against putting a time-limit to the negotiations

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1 for the reason that it would hinder the diplomatic
2 activities greatly, and would be likely to prevent
3 successful conclusion of the negotiations, but I was
4 overruled for reasons of operational necessities. This
5 time-limit imported an additional difficulty into the
6 negotiations; it was of course because of it that the
7 so-called dead-line was set in instructions to the
8 Washington Embassy.

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1 "Military preparations were, of course,
2 simultaneously being made ever since the decision of
3 6 September but, they being matters of operational
4 secrets, no information concerning them was given
5 to the Liaison Conference. The civilian cabinet
6 ministers who participated in the Liaison Conference
7 were never informed of the operational preparations,
8 and never knew, for example, that the Japanese fleet
9 had assembled in and sailed from Hitokappu Bay, or that
10 the Southern Army Headquarters had been formed and
11 General TEKAUCHI appointed its commander-in-chief. As
12 to the sailing of the fleet, it first came to my
13 knowledge after the termination of the war, from
14 reading the newspapers. The fact that the first tar-
15 get of military operations was Pearl Harbor had never
16 before the attack been communicated to me in the Liaison
17 Conference or anywhere else, nor from any source what-
18 ever. I personally assumed that the Philippines and
19 Malaya would be the first targets of military opera-
20 tions should a war occur, since in the Liaison Con-
21 ference there had been in early November some mention
22 by the High Command of what time would be required to
23 occupy the Philippines and Malaya, and a remark by
24 the Naval High Command to the effect that they were
25 confident of victory in battle with the American fleet

1 when it should come near Japan. I did not dream that
2 the Japanese Navy would ever attack the American fleet
3 in Pearl Harbor. The Navy High Command, when mention-
4 ing war prospects, always spoke of 'luring out' the
5 American fleet and destroying it 'in the vicinity of the
6 Mandated Islands' -- see for example the 13 November
7 Liaison Conference decision, exhibit No. 919.

8 "65. Proposal 'A' did not gain American ac-
9 ceptance -- did not, in fact, arouse any perceptible
10 interest, contrary to our expectation. Proposal 'B'
11 was therefore -- after I had secured assent of the
12 Liaison Conference, of course -- presented on 20 Nov-
13 ember. At first conditions appeared promising; when
14 we learned that the American newspapers of the 25th
15 were reporting the probability that a modus vivendi
16 would be concluded, we assumed that it was on the basis
17 of Proposal 'B'. It was on this assumption that I
18 sent to the Embassy an instruction regarding the amount
19 of oil which would be requested when an agreement was
20 reached. The figure adopted in this instruction was
21 much less than that suggested originally by the Army
22 General Staff, owing to my insistence, and was approx-
23 imately equivalent to the average of Japanese imports
24 over several years (exhibits Nos. 2944 and 3445).
25

"66. On 26 November, in Washington, Secretary

1 Hull handed his 'ten-point' proposal to our ambassadors.
2 The cable from the ambassadors summarizing Secretary
3 Hull's note was received on the 27th. Almost simul-
4 taneously I received another cable from the ambassadors
5 giving their recommendation of a procedure for settling
6 Japanese-American affairs by having President Roosevelt
7 send a personal message to the Emperor and the Emperor
8 reply, after which in the cordial atmosphere so created
9 the Japanese Government should propose the neutraliza-
10 tion of French Indo-China, Thailand and the Netherlands
11 East Indies. The ambassadors requested that Lord Keeper
12 of the Privy Seal KIDO be consulted concerning this
13 proposal. The suggestion of the ambassadors of the
14 neutralization of three areas, implying the withdrawal
15 of troops which would follow as the consequence, raised
16 many complicated and difficult questions. Only after
17 heated discussions and the threat of resignation in
18 the Liaison Conference had I been able to obtain the
19 consent of the military high command to the withdrawal
20 of troops from southern Indo-China; in the circumstances
21 prevailing it would have been impossible to secure a
22 decision for withdrawal from all of Indo-China without
23 any assurance of solution of such related questions as
24 that of Japanese-Chinese peace, freezing of assets,
25 and others. The recommendation of the two ambassadors

1 proposed only the neutralization of French Indo-China,
2 the Netherlands East Indies and Thailand, and made
3 no mention of the possibility of rescission of freezing
4 of assets, deemed absolutely necessary by Japan, if it
5 were adopted, nor of the United States' readiness to
6 undertake mediation for peace between Japan and China,
7 the reaching of which peace had been the fundamental
8 reason for the stationing of Japanese troops in Indo-
9 China. Moreover, it was clear that the two ambassadors
10 themselves had no confidence in the success of this
11 procedure after receiving Secretary Hull's note on
12 the 26th, for in their telegram dispatched shortly
13 after the receipt of that note they reported that there
14 was no prospect of reaching an agreement and advised
15 measures to be taken in case freedom of action was
16 resorted to (exhibit No. 2949).

17 THE PRESIDENT: We will recess for fifteen
18 minutes.

19 (Whereupon, at 1045, a recess
20 was taken until 1100, after which the
21 proceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: On page 30, paragraph 67.

5 "67. On the 27th there was a Liaison Con-
6 ference at which the Hull note of 26 November was dis-
7 cussed. The reaction of all of us to it was, I think,
8 the same. Ignoring all past progress and areas of
9 agreement in the negotiations, the United States had
10 served upon us what we viewed as an ultimatum contain-
11 ing demands far in excess of the strongest positions
12 theretofore taken. We felt that clearly the United
13 States had no hope or intention of reaching an agreement
14 for a peaceful settlement, for it was plain to us and
15 must have been plain to the Americans that this document
16 demanded as the price of peace total surrender by Japan
17 to the American position. Japan was now asked not only
18 to abandon all the gains of her years of sacrifice,
19 but to surrender her international position as a power
20 in the Far East. That surrender, as we saw it, would
21 have amounted to national suicide. The only other way
22 to face this challenge and defend ourselves was war.

23 "68. The following day, the 28th, I called
24 on the Premier at his official residence fifteen
25 minutes before the cabinet meeting which was scheduled

1 to convene at 10 a.m. I talked over with him and with
2 Navy Minister SHIMADA, who appeared from the next room
3 and joined us, the Ambassador's recommendation, as
4 well as the Hull note, the full text of which had been
5 received. Though they should both of course have been
6 familiar with the Ambassador's report of Secretary
7 Hull's note and with their recommended plan -- since
8 copies of all the important cablegrams relating to the
9 negotiations were automatically routed by the Foreign
10 Ministry to the War and Navy Ministries, and the General
11 Staffs through the Military and Naval Affairs Bureaus
12 (exhibit No. 2915) -- I made explanation to them of
13 the contents of these messages. Both the Premier and
14 the Navy Minister were of opinion that there was abso-
15 lutely no hope of a solution by such means as that pro-
16 posed by the Ambassadors. I left before the end of
17 the cabinet meeting, since I was being received in
18 audience at 11:30. Before being received in audience
19 I explained to Lord Keeper KIDO about the Hull note,
20 and talked with him (telling him that that was their
21 desire) concerning the two Ambassadors' recommendation.

22 "He was discouraged by the Hull note, and
23 he too was of the opinion that the Ambassadors' recom-
24 mendation was insufficient to save the situation.
25 Marquis KIDO even said that if its conditions were

1 adopted as the basis of a settlement, the result might
2 be civil war. I told him that I would report his opi-
3 nion to Ambassador NOMURA. The plan was not reported
4 to the Emperor because there was none who could take
5 responsibility for it, the government having no confi-
6 dence in its realization and his chief adviser being
7 against it. Ambassador NOMURA was instructed according-
8 ly, that the quarters he had suggested had been con-
9 sulted but that the recommendation was not regarded
10 as appropriate for adoption at that time (exhibit
11 No. 1193). It was at this time that we received a re-
12 port from Ambassador NOMURA that the State Department,
13 which had theretofore maintained silence concerning the
14 negotiations, had made public their development, and
15 that the American press was saying that the decision of
16 peace or war was in Japan's hands (exhibit No. 2750).
17 In reading this report, we felt that America was ex-
18 pecting war.

19 "69. Now for the second time I considered
20 resigning as Foreign Minister. I had at all times had
21 the intention of resigning if by doing so I could fur-
22 ther the Japanese-American settlement. Conditions
23 were now, however (for reasons which I shall mention
24 in a moment), basically different from those of early
25 November when I had first considered resignation, and

1 there seemed little likelihood that a change in
2 foreign ministers could affect the situation. I did,
3 nevertheless, ask for the advice of former Foreign
4 Minister SATO, one of the Foreign Ministry seniors who
5 had been much interested in the success of the negotia-
6 tions, whether by resignation I could bring about a
7 change of over-all policy by forcing a change of
8 cabinet, and thus avoid war. He advised me against
9 resignation, saying that there was no possibility that
10 it could affect the situation -- as did a few others
11 whom I consulted concerning the matter. My reason for
12 feeling at that time that resignation would be useless
13 is as follows. Before, the question had been one of
14 wringing from the military authorities agreement to
15 the making of further concessions which might lead to
16 a compromise of the Japanese and American positions;
17 by resignation I might (I had thought) have been able
18 to force a change of government in favor of one able
19 to take a stronger stand against the demands of the
20 military high command. Now, it appeared that no conces-
21 sions which Japan could make would avail to reach an
22 agreement with America; America evidently was no longer
23 interested, if she ever had been, in any compromise;
24 it was now, patently to everyone, a question of the
25 self-defence of our nation. There remained only the

1 faintest hope of a diplomatic settlement, and that
2 hope was based on the possibility of American reconsi-
3 deration; my resignation would in no way have assisted
4 toward a settlement, but would only have been an escape
5 from my responsibility. I therefore decided to stay
6 on, work for every last chance to avoid war, and, should
7 war break out, to do everything in my power for its
8 earliest possible termination in the interest of Japan
9 and of the world.

10 "70. As I have said, the feeling not only
11 of myself but of all concerned in the matter was that
12 after the Hull note of 26 November there was no hope
13 for a settlement with the United States unless it
14 could be persuaded to reconsider its newly-adopted
15 extreme stand. I had felt earlier that war need not
16 be the consequence of a failure of negotiations; I
17 had been overruled, and submitted. But now it was a
18 far broader question. The very existence of the
19 Japanese nation was at stake, and I was compelled to
20 agree that we must wage war, whatever the prospects,
21 unless America would reconsider. At the Liaison Con-
22 ference of 27 November, everyone had agreed on this,
23 and there was no dissenting voice to the proposition
24 that we must go to war. The meeting adjourned with
25 the decision to present the recommendation to an

Imperial Conference.

1 "71. The Liaison Conference decision after
2 consent by the cabinet meeting of the following day,
3 was presented to the Imperial Conference of 1 December
4 and was there approved, the general feeling being that
5 Japan had no alternative but to resort to self-defence.
6 On the 29th there was a meeting of the Elder Statesmen,
7 or ex-Premiers, concerning which there has been some
8 testimony. There was a morning meeting called by the
9 government, and an afternoon audience with the Emperor.
10 At the morning meeting there were explanations made
11 to the Elder Statesmen by the Premier and other cabinet
12 ministers; the Premier's was of the reasons compelling
13 Japan to resort to war, mine was confined to the Japan-
14 ese-American negotiations, and was given in detail;
15 ex-Premiers WAKATSUKI and HIROTA alone made inquiries
16 concerning the negotiations, which I answered fully, as
17 has been testified to by Admiral OKADA (exhibit No.
18 3229). No one present expressed the view that the
19 American proposal should be accepted. At the afternoon
20 meeting, held in the presence of the Emperor, Prince
21 KONOE especially stated that he was fully informed
22 concerning the negotiations and approved of the efforts
23 of the government. He said that he agreed that there
24 was no hope for the negotiations, in view of the recent
25

1 United States proposal, but wondered whether there was
2 no way by perseverance to avert war. The Premier
3 replied that the matter had been thought over again
4 and again and studied most earnestly by us, and that
5 the conclusion was that there was no other course than
6 war.

7 "72. On 1 December the actual decision to
8 commence the war was made, by the Imperial Conference
9 called for the purpose. Those present were all mem-
10 bers of the cabinet, chiefs and vice-chiefs of Army
11 and Navy General Staffs, the Chief Cabinet Secretary,
12 directors of Military and Naval Affairs Bureaus, and
13 the President of the Privy Council. Again explanations
14 were made by the Premier (exhibit No. 2954) of the
15 circumstances compelling us to go to war, and by me
16 of the negotiations and the impossibility of continuing
17 them after the 26 November note (exhibit No. 2955).
18 Explanation of various other matters by the other cabi-
19 net ministers and the High Command followed. There
20 was then unanimous agreement on the necessity of going
21 to war.

22 "73. Even with the formal decision taken
23 to go to war, there remained some hope, faint though
24 it was, of reaching a solution through diplomacy.
25 Japan had nothing new to offer; but there always

1 remained the possibility that, especially if we took
2 strong stand -- by manifesting no intention to yield
3 to the American demands -- the United States would
4 repent of the finality with which its latest position
5 had closed negotiations and, being willing to make a
6 'peace with honor' for both sides, would reconsider.
7 For this reason I urged our Ambassadors in Washington
8 to do what they could to obtain American reconsidera-
9 tion, and so reported to the Liaison Conference. Prior
10 to the decision for war of 1 December, of course, I
11 had already instructed the Ambassadors not to let nego-
12 tiations lapse, which would have made certain the war
13 which up to then was only probable. For continuing the
14 negotiations in the only way that I could see open I
15 am now charged with deceit and perfidy, with having
16 kept up a pretence only to gain time to cloak the
17 military preparations which were going forward. I have
18 attempted to make it clear that it was never, at any
19 time, on our side, a question of gaining time, but that
20 rather I had the constant struggle to prevent precipi-
21 tate action by the military High Commands -- and not
22 only I, but my predecessors had had this struggle
23 throughout the Japanese-American negotiations, to defer
24 military action and keep negotiations going. It seems
25 to me yet that, even when war had been actually decided

1 on, I would have been a traitor to my profession had I
2 not tried to take advantage of any last hope for a
3 peaceful settlement; and, as has already been testified
4 (exhibits No. 809 and 2915), I had secured the commit-
5 ment of the High Command that if by any chance an
6 agreement could yet be reached, all military plans
7 would be cancelled.

8 "74. Meanwhile, there remained the important
9 questions of procedure -- how and when to notify the
10 commencement of hostilities if we obtained no reconsi-
11 deration from the United States and had to carry out
12 the plan for war. These questions of procedure came
13 up at the first Liaison Conference following the
14 Imperial Conference. At this meeting I asked when
15 operations would commence. General SUGIYAMA, Chief
16 of the Army General Staff, said, 'about next Sunday.'
17 I thereupon said that it was appropriate that the usual
18 and customary procedure be followed in regard to noti-
19 fying the commencement of hostilities, which I had
20 assumed would be done as a matter of course. I was
21 immediately met, however, with the statement by Admiral
22 NAGANO, Chief of the Naval General Staff, that the Navy
23 wished to carry out a surprise attack, and by the demand
24 by Vice-Chief ITO that the negotiations be left unter-
25 minated, in order that the war be started with the

1 maximum possible effectiveness. I rejected this sug-
2 gession, replying that it was contrary to the usual
3 practice and highly improper, and that such conduct
4 would be disadvantageous because, even if we were going
5 to war, there would be a time when the war would come
6 to an end and we would be a nation at peace again, and
7 we should think of our national honor and repute against
8 that day before committing irresponsible acts at the
9 war's beginning. I had received a telegram from our
10 Ambassadors in Washington actually discussing this very
11 point and urging that if Japan was going to resort to
12 'freedom of action' a notification of the breaking off
13 of negotiations should be given also in Washington
14 (exhibit No. 2949); and I quoted this to the meeting
15 to show that my suggestion was the natural and normal
16 one and that notification was absolutely necessary as
17 a matter of international good faith. However, Admiral
18 NAGANO continued to contend strongly that if we were
19 to go to war we must win. None among the members came
20 to my support; which is perhaps the best explanation
21 for the fact that none of them now remembers this alter-
22 cation. I was disgusted by the Navy's position, and
23 took the initiative in adjourning the conference, with-
24 out any decision's having been reached. Immediately
25 upon my arising from my seat Admiral ITO came to my

1 place and pleaded with me to understand the difficult
2 position of the Navy, and suggested that in any event
3 the notice breaking off negotiations, if one must be
4 given, be given to the American Ambassador in Tokyo,
5 rather than in Washington. I refused, and we parted
6 without any agreement. I felt, nevertheless, that he
7 recognized that the Navy would have to agree to giving
8 somewhere a notification of termination of negotiations
9 before attacking.

10 "75. Upon the opening of the following
11 Liaison Conference Admiral ITO announced that the Navy
12 had no objection to delivering the notification of
13 termination of the negotiations in Washington, and
14 requested that the notice be delivered at 12:30 p.m.,
15 7 December, Washington time. No one opposed. I
16 inquired whether that would leave a sufficient time
17 before attack, and he said that it would. (I shall
18 explain presently my conception of 'a sufficient time.')

19 It was therefore so agreed. My feeling was that after
20 a hard struggle I had succeeded in stopping the Navy's
21 demand, but had stopped it at the ultimate limit of
22 international law. Since the end of the war -- or,
23 more precisely, since the beginning of this trial --
24 the Navy has taken the line that nothing was ever
25 further from their intention than to mount a 'surprise

1 attack' against the United States. It is clear that
2 my testimony on this point, as in some other particulars
3 of events leading up to the Pacific war, is in conflict
4 with that of other defendants. The decision between
5 us is, of course, for the Tribunal. I have fought
6 throughout my life for what I thought was right, and
7 now at the end of it I am determined, for the sake of
8 history as well as the purposes of this Tribunal, to
9 the best of my ability and recollection to tell the
10 full truth as it is known to me, neither attempting to
11 evade responsibility which is mine nor accepting that
12 which others would transfer to me.

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1 "76. This may be the opportune time to explain
2 my understanding of the international law in regard to the
3 question of commencement of hostilities. I am no
4 scholar of international law, but of course as a
5 diplomat throughout life I have made some study of the
6 subject, and in December 1941 I saw the matter as follows.
7 As I have attempted to make clear, my feeling, like
8 that of all others concerned in the decision to wage
9 war was one of self-defense -- clearly so under the
10 broad interpretation of the scope of the right of
11 self-defense laid down by the United States in these
12 very Japanese-American negotiations -- and I was aware
13 that opinion existed that a war of self-defense required
14 no giving of a declaration of war. I knew for example
15 that when Hague Convention III was considered in the
16 Peace Conference of 1907 the American delegate, General
17 Porter, specially stated that the policy of the United
18 States invested the President with the power to exercise
19 the right of national self-defense at any time and place--
20 and that the United States did not, apparently, regard
21 the convention as applicable in such case, as was
22 demonstrated when the punitive expedition was sent to
23 Mexico in 1916 without the declaring of war by the
24 Congress, it being explained as an act of self-defense.
25 I knew also that Secretary of State Kellogg, in his

1 note to all the nations participant in the Kellogg-
2 Briand Pact, had said that the right of self-defense
3 was above treaty provisions. But since international
4 agreements did in their wording provide for (though
5 international practice had largely ignored) the giving
6 of a notice as the normal course, I thought it better
7 in every way that that course should be followed even
8 in a case where it might be superfluous, rather than
9 that there should be any question of Japan's good-faith
10 observance of international morality.

11 "77. The notice which we proposed to and did
12 serve upon the United States was not in terms a
13 declaration of war. I considered a notice of termination
14 of negotiations to be sufficient, and a compliance with
15 international law in the situation of that time, for
16 the following reasons. The Hull note of 26 November we
17 regarded as being beyond any possible question an
18 ultimatum from the United States -- it offered to Japan
19 the alternatives of abject surrender or war. Japan's
20 answer to the American ultimatum, rejecting it, we
21 felt to be sufficient as a notification that hostilities
22 would be resorted to, and in effect a declaration of war.
23 It seemed to me, in considering and approving the form
24 of the final note, that it was in any point of view
25 tantamount to a declaration of war: the expression

1 'the earnest hope of the Japanese Government to preserve
2 and promote the peace of the Pacific...has finally
3 been lost', I thought, clearly imported that peace
4 was ended, with war to follow. I did not feel that
5 the document would have been made any more unequivocally
6 a declaration of war by the inclusion in it of such
7 stock phrases as 'a state of war exists between our
8 countries' or the reservation of 'freedom of action'
9 which Admiral OKA has testified that he proposed (and
10 which, by the way, I never saw or heard of); they would
11 only have emphasized the obvious. The note as it stood
12 being more plainly a declaration of war than the
13 'ultimatum' contemplated by Hague Convention III, there
14 was no room for such phraseologies. So far as I
15 remember, the opinion is universally held among
16 international-law scholars that no special form of
17 words is necessary for a document to constitute a
18 declaration of war, but that any language was sufficient
19 which unequivocally expressed the intention (it was
20 clearly in my mind that one of the most recent cases,
21 France's declaration of war against Germany in 1939,
22 France notified only the carrying out of her obligations
23 to Poland). But, over and above all technical questions,
24 it had been unmistakably clear for some time in Japan
25 that rupture of the negotiations would lead to war, and

1 I have no doubt that it was so understood in the
2 United States as well. Hence we drew the notification
3 in the form of a breaking-off of negotiations, which
4 the Liaison Conference had authorized, and which was
5 drawn in the full confidence that it would be understood
6 as a declaration of war.

7 "78. The draft of this final notification
8 had, except for its final part, already been drawn,
9 in the days after our receipt of the United States'
10 note of the 26th. It was actually written, of course,
11 by the American Bureau of the Foreign Ministry; but
12 its contents were those dictated by the discussions
13 of the Liaison Conference. After drafting by the
14 Foreign Ministry in accordance with those discussions,
15 the note was revised on the basis of the opinions of
16 the Army and Navy officials interested; but the details
17 of this have been testified to, and I need not repeat
18 them. The draft note as eventually agreed upon was
19 distributed to the members of the Liaison Conference
20 at the meeting on 4 December, and approved by them,
21 and also, no one dissenting, by the Cabinet meeting
22 of the 5th, when I orally reported on the contents.

23 "79. In the afternoon of 5 December the
24 Vice-Chiefs of the Army and Navy General Staffs, General
25 TANABE and Admiral ITO, called on me. Upon entering

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1 my office Admiral ITO stated that it was the desire
2 of the High Command to postpone delivery of the final
3 note in Washington from 12:30, as previously agreed
4 upon, to 1 o'clock, and asked my consent. I feared
5 that the time between notification and attack might
6 be made too short, and asked why the change was desired.
7 Admiral ITO said that he needed the postponement only
8 because of his own miscalculation of the time. General
9 TANABE said that the Army's operations would commence
10 after those of the Navy. I asked how much time was
11 needed between notification and attack, but was told
12 that the operational plans were secret and could not
13 be disclosed. I then insisted on knowing whether the
14 proposed arrangement left an adequate time before the
15 attack, and upon receiving Admiral ITO's assurance that
16 it did, I agreed to the change. On leaving, Admiral
17 ITO remarked that he hoped the note would not be
18 dispatched to the Embassy too early; but I replied that
19 it had to be so sent as to insure delivery to its
20 destination at the time fixed. The agreement to change
21 the hour of delivery was reported to the Liaison Confer-
22 ence by Admiral ITO on the 6th. No one opposed this,
23 and it was approved. At the same meeting, Admiral NAGANO,
24 Chief of the Naval General Staff, said that this was a
25 very important note and should be delivered to Secretary

1 these authorities were of the opinion that I was
2 correct in my beliefs that a war of self-defense
3 required no giving of notice, but a notice however
4 short was valid where notice was necessary. I might
5 just add a word concerning the Kellogg-Briand Pact.
6 As First Secretary of the Embassy in Washington at the
7 time the Pact was negotiated I had worked on it and
8 was therefore familiar with its history and meaning.
9 I assumed that the explanations of Secretary Kellogg
10 concerning the non-applicability of the Pact to a
11 situation of self-defense, and the reservations of the
12 right of self-defense made by various Governments before
13 their ratifications of the Pact and not taken exception
14 to by any other signatory power, clearly imported that
15 that Pact likewise was not applicable in the case of
16 Japan's war against the United States and Great Britain.
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1 Hull personally. It occurred to me that the Secretary
2 might well have other plans for lunch-time on a Sunday,
3 so I promised to order it done if possible -- which
4 was ordered (Exhibit No. 1218).

5 "80. I have mentioned above my conception of
6 'a sufficient time'. I was well aware that the
7 conference which adopted the Hague Convention had
8 debated fully and finally rejected a proposal to fix
9 a definite time for advance notification of hostilities.
10 Since, as a result, many scholars had stated that one
11 minute's advance notice was sufficient, I felt quite
12 assured that if a period of at least an hour were
13 allowed it would comply with the requirement of the
14 Convention. Not being, as I have said, an expert of
15 international law, I not only read much on this subject
16 in those days, but also especially sought out legal
17 opinion. I requested the opinion, for example, of Dr.
18 TACHI Sakutaro, generally accounted Japan's most
19 distinguished living international law scholar, then
20 adviser on international law to the Foreign Ministry.
21 I had also discussed the matter long before with Dr.
22 NAGAOKA Harukazu, who had been a member of the Secretariat
23 of the Hague Peace Conference and Judge of the Permanent
24 Court of International Justice; this was when I was
25 Councillor in Berlin under him as Ambassador. Both of

1 these authorities were of the opinion that I was
2 correct in my beliefs that a war of self-defense
3 required no giving of notice, but a notice however
4 short was valid where notice was necessary. I might
5 just add a word concerning the Kellogg-Briand Pact.
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7 time the Pact was negotiated I had worked on it and
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13 their ratifications of the Pact and not taken exception
14 to by any other signatory power, clearly imported that
15 that Pact likewise was not applicable in the case of
16 Japan's war against the United States and Great Britain.
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1 "81. After the final note had been approved
2 by Liaison Conference and Cabinet, I gave instructions
3 that it should be cabled to Washington in good time,
4 together with instructions to the Ambassador to make all
5 necessary preparations for its delivery at the time
6 agreed upon. The Tribunal has heard full evidence con-
7 cerning this question, as well as how the delay occurred
8 in making delivery, and I should like merely to refer
9 to that evidence as showing that all that was possible
10 was done in Tokyo to insure proper delivery, and that
11 the delay was not caused, deliberately or negligently,
12 by any action taken by me or anyone in Tokyo (exhibits
13 Nos. 2964, 2967 and 2970). I naturally learned, how-
14 ever, from American radio broadcasts soon after the
15 commencement of the war, that apparently there had been
16 mismanagement in Washintgon. I learned even sooner
17 that the attack on Pearl Harbor took place at about
18 twenty minutes after the time when the note should have
19 been delivered, and a few days after the outbreak of
20 the war when Vice-Chief of the Naval General Staff ITO
21 explained the matter to me I protested to him that if
22 the attack was to follow so soon on the notification,
23 I saw no reason for the Navy to have objected to noti-
24 fication in the first place. His reply was evasive --
25 to the effect that 'I am sorry for you; we cut it too

1 fine.' A short while after the beginning of the war,
2 in the course of a conversation with Premier TOJO, the
3 subject came up of the American broadcasts' having
4 reported that our note had been delivered late -- after
5 the beginning of hostilities. We had both been dismayed
6 and displeased at this report, and I mentioned that it
7 was unfortunate, if true, especially in view of the
8 great propaganda value to our enemies of such an inci-
9 dent, and that it was being so used by them. I recall
10 that the Premier said, 'I wonder how such a delay could
11 have taken place? Can it be that the United States
12 itself delayed the delivery?' I answered that I did not
13 believe that, but that, since no communication could be
14 had with Ambassador NOMURA, we would have to wait to
15 learn how the delay had occurred until we could inquire
16 of him and the Embassy staff upon their return to Japan.
17 In fact, I gave instructions at that time to the Vice-
18 Minister and the Chief of the Cable Section to have an
19 investigation made when the Embassy staff returned from
20 Washington, and when they arrived in Japan on 20 August
21 1942, I again ordered the investigation commenced into
22 the causes of the delay. Within a few days after that,
23 however, I became very busy with the problem of the
24 Greater East Asia Ministry, as a result of which I re-
25 signed office on 1 September, without having received a

1 report on the matter. The investigation was made, and
2 its results have been testified to (exhibit No. 2964).
3 The prosecution have introduced into evidence a pam-
4 phlet (exhibit No. 1270-A), printed by the Treaty
5 Bureau of the Foreign Ministry, as evidence that I had
6 a guilty conscience over the late delivery of the
7 final notification to the United States and attempted
8 to procure legal opinion to justify it. Not only was
9 that pamphlet prepared without my direction or know-
10 ledge; not only did I never see it while I was Foreign
11 Minister; but it is wholly unnecessary for me to seek
12 justification for an incident which occurred in
13 violation of my orders. Reference to the preface of
14 the pamphlet itself shows that it was wholly unofficial,
15 and represented merely the individual opinions of those
16 who prepared it (defense document No. 2914).

17 "82. I first knew the contents of President
18 Roosevelt's message of 7 December to the Emperor at
19 around 12:30 a.m. of the 8th, when Ambassador Grew
20 called on me. We had heard suggestions during the day
21 of the 7th that such a message was on the way, and I
22 had had inquiries made to try to locate it (exhibits
23 Nos. 2960 and 2963), but had learned nothing until at
24 about 10:00 at night Ambassador Grew called to say that
25 he had an important message which was being decoded,

1 at about 2:40. There I met Marquis KIDO in the waiting-
2 room, and had a three- or four-minutes' talk with him
3 before my audience, telling him the contents of the
4 telegram; then was received in audience from 3 to 3:15.
5 I reported the matter to the Emperor and received his
6 answer, and left, returning to my residence at about
7 3:30.

8 "83. The following morning Ambassador Grew
9 called on me around 7:30 -- I had ordered arrangements
10 made to see him at 6, but the arrangements were reported
11 delayed by difficulty in making telephonic connection
12 with him -- and I gave him the Emperor's answer to the
13 President's message, as well as a copy for his reference
14 of our final note. The war having then, of course, al-
15 ready started, the Ambassador never formally delivered
16 the President's message to the Emperor. Before the
17 interview with Mr. Grew I had heard that radio broad-
18 casts of the commencement of the war and the attack on
19 Pearl Harbor were to have been made by Imperial Head-
20 quarters at 6; and naturally assuming that the Amba-
21 sador had received the information, I made no mention
22 in my conversation with him of the state of war, but
23 expressed as my farewell words my appreciation of his
24 efforts for the negotiations and my regret at the pre-
25 cipitation of such a state of Japanese-American

1 and would like to call as soon as the job could be
2 finished. He did call soon after midnight; he inform-
3 ed me of the arrival of the President's message, asked
4 an audience -- which I told him would have to be
5 arranged through the Imperial Household Ministry but,
6 it being midnight, it could not be said when it could
7 be granted -- and left a copy of the message with me,
8 taking his departure after about fifteen minutes. I
9 immediately ordered a translation prepared; and, the
10 matter being an important one, I called the Imperial
11 Household Minister, Mr. MATSUDAIRA Tsuneo, told him
12 that the message from President Roosevelt to the
13 Emperor had come through Mr. Grew, who wanted to have
14 an audience to submit it to the Emperor, and asked him
15 how, in view of the fact that it was the middle of the
16 night, I should proceed. He told me that I should talk
17 with the Lord Keeper of the Privy Seal, the matter being
18 political. I then called Marquis KIDO, who suggested
19 that I consult the Premier, and said that the Emperor
20 would receive me even at such a time. The translation
21 being ready about 1:50, I called on Premier TOJO at his
22 official residence; he said that a message of such con-
23 tents would do no good. I left him, returned to my
24 residence to change clothing for the audience, and
25 started at about 2:30 for the Palace, where I arrived

1 at about 2:40. There I met Marquis KIDO in the waiting-
2 room, and had a three- or four-minutes' talk with him
3 before my audience, telling him the contents of the
4 telegram; then was received in audience from 3 to 3:15.
5 I reported the matter to the Emperor and received his
6 answer, and left, returning to my residence at about
7 3:30.

8 "83. The following morning Ambassador Grew
9 called on me around 7:30 -- I had ordered arrangements
10 made to see him at 6, but the arrangements were reported
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12 with him -- and I gave him the Emperor's answer to the
13 President's message, as well as a copy for his reference
14 of our final note. The war having then, of course, al-
15 ready started, the Ambassador never formally delivered
16 the President's message to the Emperor. Before the
17 interview with Mr. Grew I had heard that radio broad-
18 casts of the commencement of the war and the attack on
19 Pearl Harbor were to have been made by Imperial Head-
20 quarters at 6; and naturally assuming that the Amba-
21 sador had received the information, I made no mention
22 in my conversation with him of the state of war, but
23 expressed as my farewell words my appreciation of his
24 efforts for the negotiations and my regret at the pre-
25 cipitation of such a state of Japanese-American

1 relations. It has since been charged that I was en-
2 gaged in deceiving Mr. Grew; but it should be suffi-
3 cient to point out that I could have had no motive for
4 doing so at that time when the commencement of hos-
5 tilities had been published to the world. British
6 Ambassador Craigie followed Mr. Grew, seeing me at
7 about 8 o'clock. This visit also was made by my re-
8 quest, though the time of the Ambassador's arrival was
9 much later than planned. To him also I gave a copy of
10 our final note, and informed him of the cessation of
11 negotiations. As my farewell I thanked him for his
12 endeavors for the improvement of relations between our
13 two countries since his arrival. I thought that both
14 these interviews were understood to be farewell greet-
15 ings.

16 "84. Regarding the delay in delivery to Am-
17 bassador Grew of the President's telegram, I had no
18 knowledge at the time. The testimony given in the
19 Tribunal has disclosed that incoming and outgoing
20 diplomatic messages were delayed by the Ministry of
21 Communications at the request of the Army General Staff;
22 but neither of these organizations consulted me nor, so
23 far as I know, the Foreign Ministry in the matter, nor
24 had I any knowledge that the delay was being effected.
25 I had heard from Ambassador NOMURA of the press report

1 that such a message had been sent by the President,
2 even before which (having gotten such news from the
3 press services) I had inquired of him concerning it,
4 and had had my subordinates inquire of the Ministry of
5 the Imperial Household on the supposition that the
6 message might have been directed to the Emperor person-
7 ally. However, as I say, I was able to get no inform-
8 ation concerning it until Ambassador Grew reported.

9 "85. The question has arisen why our final
10 notification was not served on the Government of Great
11 Britain as well as that of the United States. The
12 Liaison Conference decision that a notification of
13 breaking off negotiations would be delivered in Wash-
14 ington of course precluded the delivering of a declar-
15 ation of war in London. There was, moreover, reason to
16 expect that the course chosen would be equally effective.
17 In the latter stages of the negotiations -- or at all
18 events from the time that I became Foreign Minister --
19 relations with Great Britain were naturally considered.
20 Throughout the whole of the negotiations with the
21 United States ran the assumption that to any agreement
22 to be concluded with it the British and Dutch (and of
23 course the Chinese) Governments would become parties,
24 or that simultaneous settlements of outstanding problems
25 of Pacific interest would be made with them. I therefore

1 from time to time inquired concerning this point not
2 only of the United States Government and Ambassador, but
3 also of the British Ambassador, the answer invariably
4 being that the settlement of all such matters would be
5 managed by the United States Government, which would
6 keep the British and other interested Governments in-
7 formed. I was aware also of Prime Minister Churchill's
8 speech of 10 November 1941, in which he had promised
9 that hostilities between Japan and the United States
10 would be followed automatically by those with Britain.
11 The Tribunal has already seen the evidence of these
12 facts (exhibits Nos. 2956, 2918, 2957, 2958, etc.). It
13 was therefore evident that any notification to be given
14 in connection with the negotiations might properly be
15 given to the United States alone, relying upon it to
16 inform the powers associated with it and for whom it
17 had acted as representative.

18 "86. The prosecution argue that I am convicted,
19 by a variety of evidences, of double-dealing in carrying
20 on the Japanese-American negotiations while, as they
21 charge, I was secretly taking part in the making of
22 plans for war. I have already described as accurately
23 as I am able to my actions and my thoughts and inten-
24 tions of the seven weeks of my foreign ministership
25 prior to the war; but, lest my silence be taken as

1 admission of the charges, I must deal also with a
2 number of minor points. First of these is the consular
3 reports of shipping from various ports of America, the
4 Indies and elsewhere, which were addressed to me in
5 response to requests which had gone out over my name.
6 Evidence has already been given that these were routine
7 matters which were managed by subordinates of the
8 Ministry (exhibit No. 2915). I do wish, however, to
9 take the occasion to deny specifically that I ever had
10 any knowledge of the subject other than the fact that
11 such routine was followed, and to state that none of
12 the messages in question ever came to my attention.

13 By production of exhibit No. 2975, a draft of
14 proposed policy drawn by some Foreign Ministry subordi-
15 nate official, the prosecution have attempted to show,
16 I suppose, that the Foreign Ministry or the Foreign
17 Minister had the intention of continuing negotiations as
18 a sham. Inasmuch as this document is one of a very
19 large number of the same type produced during the trial,
20 I should like to say a word about its significance. In
21 the Japanese ministries and governmental offices it is
22 customary for low-ranking officials -- especially those
23 below section chief -- to prepare, without specific
24 instructions on each occasion, various 'studies' or
25 drafts of policies, notes, etc., relating to current

1 questions. These in no way represent policy of the
2 ministry; if occasion arises, the drafts will be pre-
3 sented to responsible officials for their consideration,
4 when they may be adopted in toto, serve as the basis
5 for final drafts, or be rejected. It is obvious that it
6 would be quite out of the question for a foreign minister
7 to read or to know of all of these papers. So far as
8 concerns exhibit No. 2975, I can deny that I have ever
9 seen or known of it; but in general I point out the
10 fallacy of indulging any presumption that a state
11 minister knows of such documents simply because they are
12 found in the files of his ministry.

13 "87. I have already mentioned the no-separate-
14 peace agreement which was concluded on 11 December 1941
15 among Japan, Germany and Italy (exhibit No. 51).
16 Despite the importance which the prosecution profess to
17 attach to this agreement, I remain unconvinced that it
18 is not a most natural thing for a nation which expects
19 or fears to find itself at war to take such measures
20 as are prudent by way of provision for it, including
21 the acquiring of as many allies as possible. Nor was
22 it perfidious that the negotiations for conclusion of
23 the agreement began, as the prosecution have pointed
24 out, during the last week before the outbreak of war.
25 The probability of war, after the Liaison Conference of

27 November, was very great; and this agreement was the
1 result of our desire to get whatever assistance we could
2 from the nations which were in all likelihood to be our
3 co-belligerents. (My own estimate of the amount of
4 assistance that we were likely to get was, as I had
5 said in the Liaison Conference, quite low, and so far as
6 I could see the main effect of a no-separate-peace
7 agreement would be what encouragement it would bring to
8 our people, by warding off the feeling of isolation.
9 The Liaison Conference, however, had decided that
10 negotiation for it should be undertaken.) Up to the
11 time of receipt of the United States' 26 November note --
12 and even thereafter -- I had refused repeated requests
13 of Ambassador Ott to give the Germans any concrete or
14 detailed information concerning the development of the
15 Japanese-American negotiations -- no other course would
16 have been consistent with my desire to bring the negoti-
17 ations to success. After the American note made war
18 almost unavoidable, for the first time on 30 November
19 I instructed the Japanese ambassadors in Berlin and
20 Rome to inform the Governments of Germany and Italy of
21 the general outlines of the negotiations and to com-
22 mence negotiations for a no-separate-peace agreement in
23 the event of war. In connection with General Ott,
24 moreover, I should point out the absurdity of such
25

1 reports of his as that of 5 December (exhibit No. 608)
2 that any 'leading official' of the Foreign Ministry
3 gave him such misinformation as he there recites con-
4 cerning Japan's intention in commencing hostilities.
5 No responsible official of the Foreign Ministry --
6 certainly none of the three or four who were informed
7 on this subject -- would have discussed the matter with
8 General Ott; and anyone who told him as late as 4
9 December that the procedure for opening hostilities was
10 under 'deliberation' could not have been one of those
11 few, who knew that the matter had been settled by the
12 Liaison Conference. The Ambassador of Germany was
13 patently taken in by the gossip of some bureau direc-
14 tor who wished to appear to have important information
15 to give in confidence on a matter of which he was mis-
16 informed -- or perhaps the General was, as he has
17 testified (exhibit No. 3503) to having done on occasion,
18 indulging his imagination.

"88. Lastly, on one or two broader questions related to the Pacific war. With the naval disarmament question I have had some connection. First was in 1932, when as Secretary-General of the Japanese delegation I worked for the success of the General Conference on Disarmament. Later, Japan's abrogation of the Naval Disarmament Treaties, in 1935, and the withdrawal from the London Naval Disarmament Conference of 1936 occurred during my service as Director of the European-Asiatic Bureau, and as Bureau Director I had to work on these matters with the naval officials concerned. The Navy Ministry submitted to me the draft instruction to the Japanese delegation, based on the principle of the common upper limit. In the Washington and London Treaties, however, Japan had agreed to the ratio principle of naval limitation, and had made a proposal approving it at the General Conference on Disarmament in Geneva. When I received this proposal of the Navy I opposed it, on the ground that contending for the principle of the common upper limit would not only make an agreement difficult, but would give rise to suspicion of Japan's intentions, probably blocking the conclusion of a new treaty, and thus enhancing the danger of an armaments race and a war. For two or three months we had heated discussions, during which time I never agreed to the

1 Navy's proposal. Finally, as agreement could not
2 be reached at the bureau-directors' level, the matter
3 went to the higher authorities for decision. Foreign
4 Minister HIROTA adopted and spoke for my view, but was
5 overruled, and the Navy's proposal became the national
6 policy. Having failed in my efforts for quantitative
7 disarmament, I continued working for qualitative
8 limitation and the exchange of information on naval
9 ship-building, but the Navy's opposition again pre-
10 vailed. Throughout the controversy the Navy's stand
11 was extremely strong, and the assertion was freely
12 made that the question of naval strength lay within
13 the prerogative of the High Command and allowed of no
14 outside intervention.

15 "89. The prosecution have produced evidence
16 to show that at various times the South Seas Islands
17 held by Japan under mandate of the League of Nations
18 were being fortified, contrary to the terms of the
19 mandate. I suppose that it is self-evident that if
20 fortification was carried on, the Foreign Ministry had
21 no part in it; but perhaps it will be charged that we
22 were in a conspiracy because correspondence concerning
23 the matter passed through the Ministry. This whole
24 matter was the responsibility of the Treaty Bureau --
25 in which I never served -- and I never had any official

1 connection with it or knowledge of it; I was told by
2 Treaty Bureau personnel that the military authorities
3 had given assurance that they had no intention of violat-
4 ing the terms of the mandate, and there seemed to be no
5 reason to disbelieve it. In any event, the Foreign
6 Ministry was, as the only branch of the government which
7 dealt with other governments, the mere channel of commu-
8 nication through which passed the inquiries made by the
9 League and the answers received from the military and
10 naval authorities.

11 "V.

12 "War-time Diplomacy and 'Greater East Asia'
13 Relations.

14 "90. The scope of diplomacy in war-time was
15 much restricted. With the United States, Great Britain
16 and the Netherlands there were, of course, no diplomatic
17 relations; with Germany and Italy questions of war were
18 uppermost. There remained, in effect, the questions only
19 of our relations with the U. S. S. R., the countries of
20 East Asia and South American countries, and of diplomatic
21 preparation for the eventual restoration of peace.

22 "91. I have already mentioned the tendency not
23 to pay due regard to the diplomatic function, which had
24 been increasing from some years before the war. War
25 inevitably intensified this condition -- but diplomacy, it

1 seemed, was expected not only to play a secondary
2 role, as was natural with war in progress, but to be
3 wholly neglected. A striking example of this tendency
4 came to light at the time of the question of Japan's
5 participation in the war against Russia. When I
6 reported to the Emperor in July on the refusal of the
7 German request to go to war against the U. S. S. R.
8 and discussed with him the steps to be taken to
9 insure that his desire should be correctly conveyed
10 to the German Government, without interference by the
11 military authorities, he also mentioned his desire
12 to see an early restoration of peace. I then dis-
13 covered for the first time that the Emperor had ex-
14 pressed this desire to Premier TOJO as long before as
15 February, but neither he nor the Lord Keeper of the
16 Privy Seal had ever mentioned it to me. Needless to
17 say, questions of military operations were still kept
18 secret in war-time, including those which had inti-
19 mate connection with foreign affairs -- the Navy, for
20 example, kept entirely secret even from the Liaison
21 Conference the defeat at Midway.

22 "92. Disagreement of views, partly over this
23 question and partly concerned with the policy of direc-
24 tion of the war, had early after the start of the war
25 developed between me and the Premier and some of the

1 cabinet ministers. The general atmosphere, both
2 within the government and outside, was at that time
3 one of over-optimism brought about by the initial
4 victories of the war. The Premier and others believed
5 that it was going to be a long war -- of ten to twenty
6 years' duration -- and that it would take a long time
7 for the United States to build up her fighting
8 power, so that she would not be able to undertake a
9 counter-offensive before 1944. Instead of trying
10 to establish Japan in an impregnable position, there-
11 fore, they concentrated on strengthening the political
12 position of the government by securing election of
13 the candidates for the Diet sponsored by the Imperial
14 Rule Assistance Association in the spring of 1942 and
15 by the creation of the Greater East Asia Establishment
16 Council (from the purview of which military and
17 diplomatic matters were excluded), and tried to con-
18 solidate the authority of the government by putting
19 into effect such measures as those for reorganization
20 of enterprises and reform of the educational system.

21 "93. I opposed such measures on the ground
22 that it was premature to undertake such a program with
23 the war just started, and that long-range plans should
24 not be laid in a time of emergency. As to the prospect
25 of the war, I felt that a large-scale war of attrition

1 could not last longer than five or six years, and I
2 therefore insisted that it was urgent that preparations
3 be made for increase of production and stabilization
4 of living conditions. I came into collision with the
5 Premier also on such other matters as the China ques-
6 tion, in connection with which I frequently urged the
7 Liaison Conference to reconsider promptly a fundamental
8 policy for its solution. These differences developed,
9 finally leading to a head-on clash and my resignation
10 over the Greater East Asia Ministry question in
11 September 1942. But before coming to that I should
12 sketch the diplomacy which I conducted while still in
13 office.

14 "94. With the Soviet Union I attempted, as
15 always, to maintain the best relations possible. Main-
16 tenance of neutrality with the U. S. S. R. was the
17 fundamental policy of the government; but beyond that,
18 from the beginning of the Pacific War I was thinking
19 of and planning for its termination, and considered that
20 the most promising method of approach was to try to
21 bring about Russo-German peace as a preliminary step.
22 I did in fact try as early as 1942 to set such a plan
23 in motion (defense document No. 2740).

24 "95. During my tenure of office the Soviet-
25 Manchukuoan border was generally maintained in peace.

1 In January 1942, in particular, the governments of
2 Manchukuo and the Mongolian People's Republic finally
3 approved the work of the border-demarkation commission
4 which, in accordance with the agreement arrived at
5 between Foreign Commissar Molotov and me, had marked
6 the border in the Nomonhan areas (exhibit No. 2659).
7 Considering that the Russian-Manchukuoan border was
8 (especially in view of the Russo-German war) quite
9 secure, I often suggested to the military authorities
10 that they could rely on my assurance that the Red Army
11 would not launch an invasion of Manchukuo even if the
12 Japanese forces on the border should be considerably
13 decreased. I attempted also to avoid irritation of
14 the U. S. S. R. by persuading the military authorities
15 not to reinforce the Kwantung Army (I never knew, by
16 the way, of the 'Kentokuen' of the year before.)

17 "96. At the outbreak of the Pacific war
18 some controversies occurred between Japan and the U. S.
19 S. R. growing out of restrictions, based on the rights
20 of a belligerent, enforced upon the vessels of the
21 U. S. S. R., a neutral. To such controversies the
22 Foreign Ministry paid careful consideration, forwarding
23 to the government of the U. S. S. R. the replies of
24 the Navy concerning measures taken in response to the
25 Soviet protests or inquiries. The Foreign Ministry

1 took the initiative also in offering conveniences
2 for the rescue and repatriation of Soviet sailors and
3 vessels involved in such incidents, and for recompens-
4 ing the Soviet Government by transfer to it of vessels
5 to replace such of theirs as were sunk. There were,
6 while I was Foreign Minister, no steps taken toward
7 disturbing the transportation through Vladivostok
8 of munitions from America, despite various complaints
9 from Germany in regard to it."

10 THE PRESIDENT: We will adjourn until half-
11 past one.

12 (Whereupon, at 1200, a recess
13 was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess,
at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

SHIGENORI TOGO, an accused, resumed
the stand and testified through Japanese
interpreters as follows:

THE PRESIDENT: Major Blakeney.

MR. BLAKENEY: I resume reading exhibit
No. 3646, on page 43, section 97.

"97. War-time relations with Germany and
Italy were, so far as concerned the Foreign Ministry,
very much restricted. Events bore out my prophecy
of the amount of cooperation to be expected from our
European allies; it was, as the Tribunal is already
aware, never more than nominal. The Russo-German war
had cut rail communication between us; and sea trans-
portation became increasingly difficult until with the
German defeat in North Africa communication was prac-
tically restricted to the token exchanges of small
amounts of supplies by submarine (exhibits Nos. 2751,
etc.). At the time, of course, I had no information
of the extent of such cooperation, it being military

1 and hence outside my field. The respective German
2 and Japanese attitudes vis-a-vis the USSR also illus-
3 trate the kind of relations between the two countries.
4 Germany's expressed desire from the time of the third
5 KONOYE Cabinet had been that Japan join in the war
6 against the Soviet Union, and that request was renewed
7 in July 1942. It was decided, however, that Japan
8 should refuse the request and give as a reason that
9 she could not undertake a two-front war, which was
10 accordingly communicated to the German Government
11 through the German Ambassador in Tokyo and the Japan-
12 ese Ambassador in Berlin (exhibits Nos. 3508, 2751,
13 and 2762). I never dreamed of, far less participated
14 in, any plan for Japan for domination of the world in
15 cooperation with Germany and Italy.

16 "98. It was in October 1941, when I became
17 Foreign Minister, that for the first time I managed
18 as on my own responsibility affairs relating to China,
19 including Manchoukuo. I had once, many years before --
20 in 1929, before the Manchuria Incident -- made a visit
21 of inspection to Manchuria, and as a result had report-
22 ed to the then Lord Keeper of the Privy Seal, Count
23 MAKINO, that we must cooperate with China in a spirit
24 of mutuality and achieve truly cordial relations. The
25 intervening years had seen the occurrence of the Man-

1 churia Incident and the China Incident -- with
2 neither of which had I anything to do. I am now
3 charged with having, by serving as a diplomat and
4 Cabinet minister in later years, worked to secure the
5 fruits of aggression committed there. I have never
6 done so. I was never sympathetic to those incidents,
7 and when I have been in positions of responsibility
8 toward them I have done what I could to prevent their
9 occurrence or spread.

10 "99. It was at any rate more clear than ever
11 in 1941 that the China Incident must be settled, and
12 I hoped when I became Foreign Minister that I should
13 be able to achieve it. At that time the Koain (China
14 Affairs Board) had been in charge for some years of
15 all political, economic, cultural and other business
16 of China (excluding Manchuria); it had its agencies
17 at various places in China, and negotiations with re-
18 gional regimes in China were its affair. The creation
19 of the Koain had opened a new and major phase of
20 China relations. Its purpose was frankly that of
21 removing from the Foreign Ministry control, so far
22 as concerned China matters, the normal functions of a
23 foreign office; the Foreign Ministry's liberal attitude
24 toward other countries was heresy to the militarists,
25 who therefore managed to have China affairs confided

1 to a new organ under their control. The Foreign
2 Ministry's remaining jurisdiction extended only to
3 diplomatic negotiations in Nanking -- 'diplomacy in
4 the narrowest sense' -- and matters pertaining to
5 the consulates (whose main business was protection
6 of Japanese nationals in China). Thus the connection
7 of the Foreign Ministry with Japanese-Chinese relations
8 was all but severed, and the Ministry had lost its
9 power to deal with affairs in China. I was, it is true,
10 as Foreign Minister an ex officio vice-president of the
11 Koain (others were the Ministers of War, Navy and
12 Finance); but since the very purpose of the creation
13 of that body had been the destruction of the Foreign
14 Ministry's authority vis-a-vis China, the influence of
15 the Foreign-Ministry vice-president in the Koain was
16 nothing. As has been pointed out by the prosecution
17 (13 June 1946, record page 543), the business of the
18 Koain was conducted almost exclusively by its Director-
19 General.

20 "100. Manchurian affairs had in the main
21 been confided for many years to the Taiman Jimukyoku
22 (Manchurian Affairs Board); I had nothing to do with
23 that body, and therefore very little to do with Man-
24 churian affairs. The Foreign Ministry's only connec-
25 tion with Manchuria was that we maintained the Em-

1 bassy in Hsingking and consulates in Harbin, Manchuli,
2 Peiho, and Mutangchiang, but the functions discharged
3 by the Foreign Ministry through them were only nego-
4 tiation with the USSR over Manchoukuoan matters. The
5 post of Ambassador was held ex officio by the Commander-
6 in-Chief of the Kwantung Army, and the Foreign Ministry
7 of course did not control him.

8 "101. After the commencement of the Pacific
9 war, the Government of Manchoukuo and Nanking China
10 cooperated with Japan, without themselves entering the
11 war. Neither went to war. On the basis of exhibits
12 Nos. 1214 and 1219 the prosecution assert that the
13 Japanese Government directed and controlled those two
14 in their policy toward the war. These telegrams are
15 submitted in the form of intercepts, and of course the
16 Japanese translation provided is not the text originally
17 sent. I do not remember having sent messages of such
18 content, and the language has not the sound of Foreign
19 Ministry phraseology; but in any event, if they were
20 sent by the Foreign Ministry, there is nothing in-
21 herently sinister in the use of such language as
22 appears there, for it is customary in diplomatic in-
23 structions, for simplification of telegraphic language,
24 to use such terms as 'to have the foreign government
25 do so-and-so,' or 'The steps to be taken by the foreign

1 government are.' Similar expressions may be found in
2 our telegrams to our embassies in Washington, London
3 and Moscow.

4 "102. I have mentioned a time or two hereto-
5 fore that I had consistently opposed the China Inci-
6 dent from its beginning, and had worked as far as I
7 could for its early settlement on an equitable basis.
8 My opposition at the time of the outbreak is already
9 in evidence (exhibit No. 3260). I was not at that time
10 in charge of China affairs, but I believed that for the
11 sake of Japan's international relations generally it
12 was a matter of urgent necessity to arrest the ex-
13 pansion of the incident by settling it locally. With
14 Vice-Minister HORINOUCHI and the Director of the Bureau
15 of East Asiatic Affairs, ISHII, Ito, I earnestly
16 advised Foreign Minister HIROTA that he should object
17 to the dispatch of troops to China, to which he agreed.
18 But our efforts failed, and the long-drawn-out China
19 Affair got under way. Later I had worked at the Japan-
20 ese-American negotiations from the point of view of
21 arriving at an early settlement of it. Still in war-
22 time I insisted on this. In March 1942 the question
23 of the policy for direction of the war was discussed
24 in the Liaison Conference, and I then pointed out that
25 in the domestic field the increase of production and

1 the securing of food, and in the international field
2 the preservation of Russo-Japanese peace and the prompt
3 solution of the China Affair, were of primary and
4 immediate importance. At that time I obtained the
5 agreement of the Conference to my proposal that the
6 basic policy vis-a-vis China be examined from all
7 points of view; but it was subsequently reported by
8 the Army High Command that although the military
9 authorities had been examining the military aspects
10 of the matter, there were many difficulties and no
11 conclusion had yet been arrived at. The matter failed
12 to develop thereafter, notwithstanding I seized one
13 more opportunity to press it. This was in the middle
14 of July, when former ambassador OTA, Tamekichi, return-
15 ing from a trip to China, reported to me that Wang
16 Ching-wei had suggested to him the immediate cessation
17 of Japanese-Chinese hostilities and general peace be-
18 tween Japan and China. I reported this to Premier
19 TOJO with another request for prompt examination of
20 the China policy.

21 "103. As to the Philippines, Japan declared
22 as early as January 1942 her intention to accord them
23 the status of an independent country -- partly as
24 having inherited the United States' promise that
25 Philippine independence should be realized by 1946

1 (exhibit No. 1338-B). So far as concerned my motives
2 in supporting this policy, they were on the one hand
3 to demonstrate that we entertained no territorial am-
4 bition in the South, and on the other to remove one
5 obstacle to eventual peace with the United States by
6 manifesting the same intention vis-a-vis those islands
7 as that of the United States.

8 "104. The only new event during my tenure
9 of office in the TOJO Cabinet affecting Indo-China
10 was the military agreement of 9 December 1941 (exhibit
11 No. 656). This was a measure taken by the military
12 authorities on the spot, and the Foreign Ministry and
13 I had nothing to do with it.

14 "105. It was, despite the Imperial Conference
15 decision, Japan's intention if possible to avoid enter-
16 ing into belligerency with the Netherlands East Indies.
17 The Dutch Government, however, declared war against
18 Japan (record page 11,654) for reasons of her close
19 relationship with the United States and Great Britain,
20 and the Dutch Navy was at once reported as carrying
21 out attacks on Japanese shipping. Japan was therefore
22 compelled to take hostile measures against the Indies.

23 "106. It was the relations of Japan with
24 "Greater East Asia" generally which brought about my
25 final break with Premier TOJO and my resignation from

1 (exhibit No. 1338-B). So far as concerned my motives
2 in supporting this policy, they were on the one hand
3 to demonstrate that we entertained no territorial am-
4 bition in the South, and on the other to remove one
5 obstacle to eventual peace with the United States by
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21 out attacks on Japanese shipping. Japan was therefore
22 compelled to take hostile measures against the Indies.
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24 "106. It was the relations of Japan with
25 "Greater East Asia' generally which brought about my
final break with Premier TOJO and my resignation from

1 the government. There was a fundamental difference of
2 outlook between us on the question of these relations.
3 Japan had long been recognized to occupy in East Asia
4 the position of stabilizing force; very recently there
5 had begun to be expounded the idea of a New Order in
6 East Asia or a Greater East Asia Co-prosperity Sphere,
7 which originated in such concepts as those of bloc-
8 economy and Lebensraum. My fundamental policy was
9 different from that. As will be seen from various
10 evidences, it was one of establishing good, neighbor-
11 ly and amicable relations among nations on the basis
12 of mutual respect for sovereignty and of economic
13 cooperation. My principle was that Japan, as an ad-
14 vanced nation of East Asia, should assist the progress
15 of the countries and regions of East Asia and realize
16 the prosperity of these countries and of Japan through
17 peaceful means. This idea of mutual assistance ex-
18 cluded any policy of exerting control over those
19 countries by force.
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1 "107. My speech reporting on foreign affairs
2 to the Diet on 22 January 1942 (exhibit No. 1338-A) was
3 an expression of those principles. Notwithstanding that
4 this speech was delivered soon after the outbreak of the
5 war, it in no way expresses (as will be clear to anyone
6 who reads it) any intention that Japan should annex or
7 exploit any part of East Asia. Of course it is stated
8 that such areas as are absolutely necessary for the de-
9 fense of East Asia in the war were to be grasped by
10 Japan -- but this is a wartime speech, chiefly concern-
11 ing war measures. Needless to say, Ambassador Ott's
12 distorted account of this speech (exhibit No. 1271),
13 which for some reason the prosecution chose to intro-
14 duce in addition to the original document, while it may
15 represent his view, has nothing to do with mine. I wish
16 to point out especially that in the Diet speech I clear-
17 ly said that the Greater East Asia Co-prosperity Sphere
18 should not be conceived of as an exclusive thing, and
19 that measures to exclude non-Asiatic states from par-
20 ticipation in East Asia should not be taken.

21 "108. In the course of this trial has come to
22 my attention exhibit No. 1333-A, denominated a Foreign
23 Ministry Plan for the Policy on the Disposal of the
24 Southern Areas, dated 14 December 1941. If this extra-
25 ordinary document was actually drawn in the Foreign

1 Ministry, it could have been only a draft worked up by
2 a section chief or a lower official, of the type already
3 referred to; I never approved it, never saw it nor
4 heard of it. That it is quite impossible that it should
5 have been adopted or proposed as Foreign Ministry policy
6 is demonstrable from the inconsistency of this purported
7 policy with my proposed policy in the matter which was
8 finally adopted by the Liaison Conference. After the
9 Japanese occupation of the southern areas the High Com-
10 mand had proposed there that for the sake especially of
11 convenience of execution of military administration the
12 disposition of those occupied territories be then deter-
13 mined. Against this suggestion I insisted that such an
14 important matter should certainly not be decided at
15 that stage in wartime, when nothing was as yet finally
16 settled. Premier TOJO agreed with my view, and it was
17 finally so decided by the Liaison Conference.

18 "109. Confirmation of my true attitude toward
19 the Greater East Asia question can be found in the mat-
20 ter of the Greater East Asia Ministry. This question,
21 which led to my final break with the TOJO Cabinet, had
22 first come up in May or June of 1942. At that time
23 there were only rumors that the establishment of a new
24 ministry was contemplated; but as time went on the
25 general outlines of the scheme emerged. It appeared

1 that all outpost agencies in the area of Greater East
2 Asia (excluding Korea, Formosa and Sakhalin) were to be
3 placed under the control and supervision of the Ministry
4 of Greater East Asia; with the exception of matters of
5 what was called 'pure diplomacy,' all political, economic
6 and cultural affairs concerning foreign countries in the
7 Greater East Asia area -- such as Manchukuo, China,
8 Thailand, French Indo-China, etc. -- were to be placed
9 in charge of the new ministry. With its establishment,
10 the Taiman Jimukyoku, the Koain and the Ministry of Over-
11 seas Affairs were to be abolished. The avowed purpose
12 of the plan was to place those countries under special
13 treatment as brother nations, and to contribute to the
14 attainment of the objectives of the war by carrying out
15 a general mobilization of material power throughout
16 Greater East Asia.

17 "110. The creation of the Ministry had been
18 planned by the four cabinet board presidents, and prin-
19 cipally by the Planning Board, and by the summer of
20 1942 conditions had so far developed that there was con-
21 siderable prospect of its realization. At that time I
22 had a talk about it with Premier TOJO. I told him that
23 it was no time to indulge in changes of administrative
24 structure, the urgent necessity being to establish an
25 undefeatable position, and expressed my opposition to

1 the plan for the reasons that the establishment of the
2 proposed ministry would in practice remove from the
3 Foreign Ministry the essential part of the diplomacy of
4 Japan, thus impairing the unity of Japanese diplomacy,
5 and would injure the pride as independent nations of the
6 other countries in Greater East Asia, with the result
7 that it would become impossible for Japan to maintain
8 friendly cooperation with them. The Premier promised
9 that he would give the matter careful consideration.

10 "111. On 29 August Mr. HOSHINO, Chief Secre-
11 tary of the Cabinet, called on me at the direction of
12 Premier TOJO, and handed me a copy of a draft proposal
13 for establishment of the Ministry for Greater East Asia
14 which was on the line above mentioned and was to be sub-
15 mitted to the Cabinet. It was, he told me, the intention
16 of the Premier to present it at the Cabinet meeting of
17 1 September. I glanced through the proposal which Mr.
18 HOSHINO had handed to me and inquired of him about the
19 meaning of the 'pure diplomacy' which was to be left
20 to the Foreign Ministry. He explained that by 'pure
21 diplomacy' were meant such things as matters of protocol
22 and the formalities relating to the conclusion of treaties.
23 Thus the Foreign Ministry would receive ambassadors of
24 foreign countries, and would sign any treaties concluded,
25 but the Greater East Asia Ministry would conduct all

1 negotiations. I pointed out the impropriety of the
2 plan, and requested that its submission be postponed
3 until the Cabinet meeting of 5 September, so that there
4 would be enough time to study the proposal. Mr. HOSHINO
5 left, but called again later, bringing Premier TOJO's
6 reply that he wanted the plan decided on without fail
7 at the 1 September meeting. After a dinner on 31 August
8 I had an opportunity to discuss the matter with Premier
9 TOJO, and repeated my opposition to the plan, again urg-
10 ing that its submission to the Cabinet meeting of 1 Sep-
11 tember be put off. The Premier refused. Thus the plan
12 came up for decision at the Cabinet meeting of 1 Sep-
13 tember. At that meeting I explained my opposition some-
14 what as follows, and we had a discussion which lasted
15 for three hours in the morning. I had four grounds of
16 objection to the proposal.

17 "112. First of these was that under the pro-
18 posed plan the foreign policy of Japan would be in the
19 hands of two different ministries, according as it re-
20 lated to Greater East Asia or to the rest of the world.
21 Such an arrangement would render it impossible for
22 Japan to conduct a unified and consistent diplomacy, and
23 neither the Foreign Ministry nor the Ministry of Greater
24 East Asia would be able to function properly.

25 "Secondly, the countries of Greater East Asia,

1 because of being treated differently from other foreign
2 countries, would entertain distrust and suspicion of
3 Japan, and their pride would be hurt. Any treatment of
4 this sort is certainly contrary to the spirit of respect-
5 ing the independence of other countries.

6 "Thirdly, the proposed plan meant the extension
7 of the jurisdiction of the Koain, which had excited ill-
8 feeling among the Chinese people, and it would thus be
9 a failure.

10 "Fourthly, it was urgently necessary to con-
11 centrate our efforts toward the execution of emergency
12 measures, and it was not the time to undertake the chang-
13 ing of the administrative structure.

14 "113. Against my assertions Premier TOJO
15 argued that the Greater East Asia countries had to be
16 treated differently from other countries, as relations
17 between Japan and the countries of Greater East Asia were
18 like those of kin. General SUZUKI, President of the
19 Planning Board, contended that the Koain had not been a
20 failure. I retorted that it was a fact well known to
21 everyone that it had been a failure. A few other
22 cabinet ministers expressed themselves, but none came to
23 my support. The cabinet meeting took a recess with the
24 discussion unfinished. During the recess Premier TOJO
25 asked me for my individual resignation, but I refused

1 it, saying that it was the Premier and the other sup-
2 porters of the plan, not I, who should reconsider the
3 matter. I considered it necessary from the viewpoint of
4 the general war-guidance policy to persist in my stand
5 to force out the TOJO Cabinet.

6 "114. Soon thereafter, Finance Minister KAYA
7 called on me to ask my reconsideration. Subsequently,
8 General SATO and Admiral OKA, Directors of the Military
9 and Naval Affairs Bureaus, together visited me. They
10 said that the plan for the establishment of the Greater
11 East Asia Ministry was supported equally by the army and
12 the navy, and requested me once more to agree to the plan.
13 I again refused altogether. Finally, Navy Minister
14 SHIMADA came to me and said that a change of cabinet was
15 not desired by the Court, and that he would work for a
16 compromise solution if one was possible. After exchang-
17 ing views with him, I presented my final plan of compro-
18 mise. Navy Minister SHIMADA left, but later returned
19 and conveyed to me the information that Premier TOJO did
20 not accept the compromise plan. I had never expressed
21 any intention to make an individual resignation, but
22 had been making efforts with the determination to do
23 everything possible for the attainment of my purpose.
24 In view, however, of the talk with Navy Minister SHIMADA,
25 I decided to and did tender my resignation, out of a

1 desire not to cause annoyance to the Emperor by further
2 complicating the matter, and retired on the same day,
3 1 September.

4 "115. As a result of my resignation of office
5 Premier TOJO became concurrently Foreign Minister, and
6 the plan for the establishment of the Ministry for
7 Greater East Asia was thus decided upon at the cabinet
8 meeting of 1 September. The government had intended the
9 new ministry to commence functioning as of 1 October.
10 My resignation, however, aroused public opinion, and it
11 was not until 9 October that the Privy Council began
12 examination of the plan. There followed sharp arguments
13 between the Privy Council and the Government over the
14 plan, as seen in exhibit No. 687; the Privy Council
15 even suggested to the Government that it withdraw the
16 proposal, but Premier TOJO and the other supporters of
17 the plan refused. On 24 October the Examination Com-
18 mittee of the Privy Council adopted the plan by a major-
19 ity vote (Privy Councillor ISHII being absent). At the
20 meeting of the full Privy Council which followed also
21 there was much controversy over the plan before it was
22 passed by a majority, with Councillors ISHII and MINAMI
23 dissenting. Finally, the Ministry was inaugurated on
24 1 November.

25 "116. I learned later that with regard to the

1 scope of 'pure diplomacy' the Government had decided to
2 make the necessary definition in the cabinet, leaving
3 the regulations governing the functions of the ministries
4 concerned without any provisions on this point, and that
5 this also had been explained to the Privy Council. But
6 the 'pure diplomacy' defined by the cabinet understand-
7 ing upon the establishment of the Greater East Asia
8 Ministry was somewhat wider than the plan shown to me
9 at the cabinet meeting of 1 September, as a result of
10 the opposition of the Foreign Ministry and the criticism
11 expressed by the Privy Council.
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1 "117. At the Cabinet meeting of 1 Septem-
2 ber civilian members of the Cabinet also had supported
3 the Greater East Asia Ministry proposal. Later I
4 learned that they were not necessarily in opposition
5 to my position, but were of opinion that a change
6 of cabinet at that time was to be avoided. As I
7 have said before, however, I had by that time come to
8 the conclusion that the TOJO Government, somewhat
9 intoxicated by the initial victories of the war, was
10 paying no serious consideration to preparations for
11 the conduct of the war; that some within the Cabinet
12 felt that there was no need of diplomacy in the
13 management of external affairs; and that in general
14 the Government's policies were being executed in a
15 very superficial manner. I considered the Greater
16 East Asia Ministry proposal an expression of such
17 tendencies of the TOJO Cabinet, and it was my con-
18 viction that at that opportunity it should be replaced.
19 Despite my strong opposition to the Greater East Asia
20 Ministry, for this and other reasons already mentioned,
21 I could not change the current singlehanded; but
22 events were already justifying my view, for the
23 battle of Guadalcanal had deteriorated, not to mention
24 the sea battle off Midway, and the road to defeat was
25 already plainly marked out.

1 "118. As I have said, I retired from the
2 government service at the time of my resignation
3 of the Foreign Ministership and remained in retirement
4 until I was again appointed to the position on 9 April
5 1945. Notwithstanding the fact that during my second
6 term I held concurrently the ministership of Greater
7 East Asia, my connection with Greater East Asiatic
8 affairs from then until my quitting office on 17
9 August of the same year was slight; partly because I
10 was chiefly occupied with the problem of ending the
11 war, partly because almost all authority over matters
12 relating to East Asiatic countries had by then been
13 transferred to the military ministries. A word first,
14 however, as to how I came to accept the portfolio of
15 Greater East Asia Affairs notwithstanding that I had
16 bitterly opposed the creation of that ministry. It
17 was my desire and intention when I could to see the
18 Ministry of Greater East Asia abolished; meanwhile, by
19 holding the two portfolios concurrently I could let it
20 die of inanition, and did. As Minister for Greater
21 East Asia Affairs I did nothing.

22 "119. The continuity of my attitude toward
23 the countries of East Asia can be seen in the decisions
24 of the Greater East Asia Ambassadors' Conference held
25 in Tokyo on 23 April 1945, decisions adopted in

1 accordance with my proposals and with the consent
2 of the Governments of the countries represented as
3 the guiding principle for the establishment of the world
4 order (defense document No. 2931). The principles here
5 spoken of are 1) establishment of political equality
6 of nations and avoidance of racial discrimination;
7 2) respect for national independence and non-interfer-
8 ence in domestic affairs; 3) freedom for colonial
9 subject peoples; 4) economic reciprocity and equality;
10 5) exchange of cultures; 6) prevention of aggression;
11 7) the establishment of the international order by
12 means of both regional and universal security systems.
13 This plan, I venture to believe, is not essentially
14 different from that later developed by the United
15 Nations at San Francisco.

16 "120. By the time of my second assumption
17 of the Foreign Ministership in April 1945 there was
18 almost nothing for even the Greater East Asia
19 Ministry to do in connection with the countries of
20 East Asia. Although its jurisdiction did include
21 some matters relative to occupied areas, those were
22 not matters of administration actually but only of
23 rendering assistance to the Army and the Navy, which
24 conducted the administration, by training officials in
25 Japan to be sent to the occupied area. In Burma and

1 the Philippines (which had declared their independence
2 during my retirement) the military commander was in
3 control not only of military affairs but also of the
4 guidance of internal politics, because it was consid-
5 ered to be inseparably related to the conduct of the
6 war. Thus while the ambassadors to those countries an-
7 aged diplomatic affairs under the direction of the
8 Minister for Greater East Asia, they were interfered
9 with even within the scope of their jurisdiction by
10 the military commanders. The same was true of the
11 ambassador to Indo-China; despite the different
12 status of that country, the ambassador could not act
13 against the will of the military commander. In addi-
14 tion the war situation had so deteriorated that in
15 most of those countries we no longer even had function-
16 ing ambassadors. Burma, for example, had been par-
17 tially reoccupied and our ambassador had escaped
18 from Rangoon to the interior, where communication
19 between him and Tokyo was so nearly impossible that
20 it was impossible even to learn conditions there. The
21 Philippines likewise had been lost by Japan, and there
22 was no possibility of our conducting diplomatic func-
23 tions. The various 'plans' submitted by the prosecution
24 for the disposal of British Malay, involving the
25 annexation by Japan of part of that territory

(exhibits Nos. 1333A and 1334-1336) were never
1 approved or known by me during either of my terms as
2 Foreign Minister.

3 "121. The changed conditions occurring in
4 French Indo-China in March 1945 (exhibits Nos. 661-
5 664) preceding my assumption of office, I had nothing
6 to do with. As a result of this change, Indo-China
7 was placed under the exclusive jurisdiction of the
8 military authorities, and the Embassy was closed in
9 March and the Ambassador returned to Japan in the
10 following month. From that time, of course, the
11 Greater East Asia Ministry had nothing to do with
12 affairs of French Indo-China. At the Greater East
13 Asia Ambassadors' Conference mentioned above, a
14 resolution was adopted on the motion of the Thai
15 Ambassador that full support be given to the movement
16 for independence, then recently declared, in Annam,
17 Cambodia and Luang Phrabang. It was the unanimous
18 desire of the countries of East Asia that all the
19 peoples thereof have their independence, which was
20 in conformity with the policy of Japan. The same may
21 be said of the resolution adopted at the same time
22 relative to the status of the Netherlands East Indies;
23 I again in fact emphasized in July at the Supreme
24 Council for Guidance of the War the necessity for our
25

1 assisting the Indonesians to the independence,
2 thus to demonstrate that we had no territorial
3 aspirations in that area.

4 "122. Lastly, among wartime questions, is
5 that of prisoners of war. The Foreign Ministry's
6 connection with this matter commenced when, in
7 January 1942, notes from the British and American
8 Governments were received through the Swiss Govern-
9 ment requesting advice whether Japan would agree to
10 reciprocal application of the Geneva Convention of
11 1929 regulating treatment of prisoners of war. Japan
12 was not a signatory of that Convention; but I felt that
13 Japan should--and assumed that she would--out of
14 humanitarian considerations, agree to application of
15 it so far as was reasonably possible. The decision,
16 however, was not for the Foreign Ministry to make.
17 The Tribunal has heard full explanation of the ques-
18 tion of responsibility for prisoners of war in the
19 Japanese system; I wish, however, to mention one
20 additional point to clarify the very limited responsi-
21 bility of the Foreign Ministry in this matter. The sum
22 of responsibility for management of matters relating to
23 prisoners of war resides in the Prisoners-of-War Manage-
24 ment Bureau and the Prisoners-of-War Information Bureau.
25 The former being a War Ministry bureau, no responsibility

for its management of prisoners accrues to the
1 Foreign Ministry. The latter, however--which is the
2 bureau responsible for giving information in answer
3 to pretests and inquiries--is one especially created
4 by Imperial Ordinance in time of war. When action is
5 taken by exercise of the Imperial Ordinance power, the
6 Ordinance is countersigned by the ministers who have
7 responsibility in the matter (defense document No. 2924).
8 The ordinances establishing the Prisoners-of-War
9 Information Bureau, at the time of not only the Pacific
10 war but also of the World War, are countersigned by
11 Ministers of War and Navy, but not by the Foreign
12 Minister (defense documents Nos. 2924 and 2934). It
13 is the War Ministry which is the responsible authority.
14
15 "123. The inquiries from the United States
16 and Britain were therefore referred in the normal course
17 by the Foreign Ministry Treaty Bureau, which managed
18 such matters, to the War Ministry, as the ministry em-
19 powered to decide the question. The answer which came
20 back (exhibit No. 1958) was that we should undertake to
21 apply the terms of the Geneva Convention 'mutatis
22 mutandis,' and it was therefore so replied to the
23 Governments inquiring (exhibits Nos. 1469 and 1496).
24 Although the prosecution seems to consider that by the
25 giving of this answer Japan became bound by the

1 Convention to the same extent as if she had ratified
2 it, I assumed (and still assume) that we were binding
3 ourselves only to apply the Convention so far as
4 circumstances permitted. 'Mutatis mutandis,' then, I
5 supposed to imply that in the absence of serious
6 hindrances the Convention would be applied (exhibit
7 No. 3039); I assumed also (although this was only
8 assumption on my part) that where the requirements of
9 the Convention came into conflict with the provisions
10 of domestic law the former would prevail. If this
11 proved to be a mistaken assumption, neither War nor
12 Navy Ministry ever suggested any other interpretation
13 to me, nor does the War Ministry's reply to our request
14 for a statement of policy suggest it. In any event,
15 knowing the high reputation which Japan had gained by
16 her humanitarian treatment of prisoners of war in both
17 Russo-Japanese and World Wars, I took it for granted that
18 those precedents would be followed (this consideration
19 also perhaps influenced me later, when we began to re-
20 ceive Allied protests of mistreatment, to accord less
21 credit to the Allied claims than might have been the
22 case had history been different, and to go to the War
23 Ministry direct or through my subordinates, fully confi-
24 dent that steps would be taken to correct abuses if any
25 existed).

1 "124. I should like to emphasize, also, that
2 the Foreign Ministry received and answered the protests
3 and inquiries regarding prisoners of war only as a
4 channel of communication, not as the responsible
5 agency. The answers returned were not in fact prepared
6 in the Foreign Ministry, but were those given to us
7 by the Prisoners-of-War Information Bureau; but the
8 Foreign Ministry was the only place to which corres-
9 pondence from foreign governments could come, and from
10 which answers could go--there was nowhere else that
11 the correspondence could go.

12 "125. Little question concerning prisoners
13 of war arose during my first term as Foreign Minister.
14 I recall the case of Hong Kong--when in the spring of
15 1942 Foreign Minister Eden was reported to have made a
16 speech charging the Japanese Army with atrocities
17 after the capture of the city. At that time I said
18 to War Minister TOJO that special attention should be
19 paid to treating prisoners of war kindly, and for that
20 matter to preserving the name of the Japanese Army from
21 disgrace. He sympathized with my viewpoint, and said
22 that he would give due attention to the matter; and
23 soon after I was pleased to hear that Mr. Eden had made
24 a radio broadcast to the effect that the situation in
25

Hong Kong had improved.

1 "126. A more active question during my
2 first term was that of exchange of enemy nationals.
3 It was my idea that not only should diplomatic person-
4 nel be exchanged, in the usual way, but also that
5 civilian internees of British and American nationality
6 should be repatriated. This was difficult to achieve;
7 it involving the allocation of shipping bottoms and
8 facilities, the High Command was reluctant to agree,
9 and only after considerable insistence on my part were
10 the exchanges brought about, as had been testified
11 to (defense document No. 2916). We succeeded thus in
12 returning to their homes some thousands of enemy
13 nationals, not only from Japan proper but as well
14 from China, Manchoukuo, French Indo-China and Thailand.

16 "127. During my second term as Foreign
17 Minister, toward the spring and summer of 1945, the
18 situation of the Japanese Army on the front in the
19 Philippines, Burma, and other Southern districts
20 deteriorated extremely. There was already a large
21 accumulation of prisoner-of-war matters on hand when
22 I took office; and as the Allied forces advanced in
23 various districts of the South, protests began to be
24 lodged concerning the treatment accorded by the Japanese
25 Army to the prisoners of war and internees in these

1 region. In these days, Japan itself being subject
2 to severe air raids, the Ministers of the neutral
3 countries representing the interests of enemy
4 countries had moved to Karuizawa and communication
5 with them accordingly became very difficult. In
6 spite of these difficulties, under my instruction, the
7 Foreign Ministry transmitted these protests and in-
8 quiries to the competent authorities and did not fail
9 to convey all the replies that were received from the
10 competent authorities concerned. We often sent and
11 received personal letters, or sent officials to Karui-
12 zawa, in addition to the exchange of official notes,
13 thus exercising all possible efforts to meet the
14 situation. So far as I am aware there was never any
15 neglect by the Foreign Ministry of its duty in the
16 matter, which was the transmitting of the protests or
17 inquiries received from the Allied countries to the
18 Japanese authorities concerned, and the sending to the
19 former of the replies received. The Foreign Ministry,
20 despite having no power over prisoners of war, repeat-
21 edly requested the authorities concerned to do their
22 best to accord fair and generous treatment to the
23 prisoners of war. On 3 June 1945, when the Swiss
24 Minister handed me a protest of the United States
25 Government concerning atrocities to American prisoners

1 of war at Puerto Princessa on Palawan Island
2 (exhibit No. 2107), I personally called the special
3 attention of War Minister ANAMI to the subject and
4 urged him to accord fair and generous treatment to
5 prisoners of war in general, to which he consented.
6 In spite of these efforts, however, conditions had
7 become such that provision of information satisfactory
8 to the Allied countries was impossible. On this
9 point, it was explained by the military authorities
10 that, as the result of the defeat of the Japanese
11 Army, telegraphic communication between the central
12 military authority and the forces at the front had
13 become very difficult and often impossible and that
14 even when such communication was possible, the con-
15 fusion within the Japanese forces at the front
16 rendered investigation into the matters almost impos-
17 sible. The Foreign Ministry, having neither juris-
18 diction nor means of investigation of these problems,
19 could do nothing beyond conveying communications from
20 one party to the other. I wish to add that the Foreign
21 Ministry received no information whatever concerning
22 the trials of Allied fliers, such as those which took
23 place in the middle of July 1945.
24
25

1 "128. The Foreign Ministry, under my
2 direction, constantly attempted, despite its purely
3 liaison function in the prisoners-of-war business,
4 to ameliorate the condition of the prisoners. In
5 some ways we succeeded; especially in so far as con-
6 cerned Japan Proper, conditions were relative good.
7 We could not, of course, meddle with matters under
8 military jurisdiction, and, could only urge the
9 military authorities to be humane; this was done
10 repeatedly. If only from self-interest, this would
11 have had to be the position of the Foreign Ministry;
12 for we had some hundreds of thousands of our nationals
13 in enemy countries for the amelioration of whose lot
14 we were responsible, and there was a self-evident
15 correlation between the two questions.
16

17 "129. With the truth or falisty of the
18 replies furnished by the Army (or, in a few cases,
19 by the Navy) to inquiries from enemy countries, the
20 Foreign Ministry had nothing to do. I, as Foreign
21 Minister, had no personal contact with the matter of
22 inquiries and answers, which were purely routine
23 liaison work so far as the Foreign Ministry was con-
24 cerned. But regardless of who actually managed the
25 business, no one of the Foreign Ministry could do
more than forward the answers received from the

1 military authorities. We had neither the right nor
2 the facilities to inspect camps, and we could have
3 done nothing had we had reason to doubt the truth
4 of the answers -- which, in the absence of oppor-
5 tunity to inspect conditions, we had not.

6 "VI.

7 "The SUZUKI Cabinet and the Ending of the
8 War.

9 "130. My entry into and service in the
10 SUZUKI Cabinet can be said to have had only one
11 purpose: ending the war. Before treating of my
12 activities during this period, therefore, I shall
13 give a brief description of my previous efforts in
14 the direction of peace, which form the background
15 to my efforts in this period.

16 "131. My various efforts to bring the war
17 to the earliest possible end were the continuation
18 and extension into war-time of my opposition to the
19 war before its start. These efforts therefore began
20 at once after 8 December 1941. I have already ex-
21 plained fully the state of my mind at that time --
22 that I did not share the over-optimism or the
23 illusions of most Japanese and believed that it would
24 be extremely difficult to overcome the fighting spirit
25 and the industrial productivity of America and Great

1 Britain; that I did not doubt that from the Japanese
2 point of view the war had to be ended as quickly as
3 possible if it were not to end in complete disaster;
4 and that I still believed that if it became a long
5 drawn out war, there would be no real victor, both
6 sides being exhausted and the world as a whole being
7 as impoverished, dispirited and in distress as the
8 belligerents. On New Year's Day of 1942 I took the
9 opportunity of the occasion to address an instruction
10 to the staff of the Foreign Ministry to suggest this
11 idea, elucidating the inter-relationship between war
12 and diplomacy, the task of diplomacy at war; I told
13 them that, though the prevailing tendency was to
14 neglect diplomacy -- which was very short-sighted --
15 diplomacy would only gain in importance as the war
16 progressed. We should therefore, I said, study and
17 make preparation to end the war, lest we should fail
18 to seize the chance when it did come.

19 "132. Although it would be difficult to
20 bring about the termination of a war which had en-
21 compassed the whole world, I thought that there was
22 some possibility offered by the idea of a Russo-
23 German peace, which might give a beginning to the
24 movement toward general peace. Therefore, when I had
25 a conversation with Soviet Ambassador Smetanin in

1 February, I told him that the relations between our
2 two countries were like a bright spot in a troubled
3 stormy sky, and that I desired to enlarge and extend
4 this spot to cover other regions with the aim of
5 restoring peace throughout the entire world -- which
6 was an added reason for the necessity of maintaining
7 neutrality between the USSR and Japan. I also di-
8 rected Ambassador SATO in Kuibyshev to prepare the
9 ground for such steps in order not to miss the chance
10 when an opportunity should present itself, concerning
11 which he would be instructed later. My resignation
12 from the TOJO Cabinet prevented any development of
13 this plan.

14 "133. Although out of office from September
15 1942 to April 1945, and in no position in the govern-
16 ment, I expressed my opinion to various persons that
17 the war had to be ended promptly. For example, in
18 November 1944 I happened to have a conversation with
19 General UMEZU, then Chief of the Army General Staff,
20 to whom I said that the war should be ended, perhaps
21 by first arranging for the termination of the Soviet-
22 German war. (General UMEZU agreed, and said that
23 although the government had failed to do anything
24 he would continue to work for this idea.)

25 "134. On 8 April 1945 I received in

1 Karuizawa, where I was then living, a request from
2 Admiral SUZUKI, the Premier-Designate, to come to
3 Tokyo to see him. Accordingly I returned to Tokyo
4 that evening, and called on Admiral SUZUKI, who
5 asked me to become Foreign Minister in his cabinet.
6 My earnest desire being to bring about peace promptly,
7 I considered that, for this purpose, it was necessary
8 that the Premier share with me not only the desire
9 for prompt peace but also the estimate of the war
10 situation and its prospect. I therefore asked his
11 view on the prospect of the war before giving him my
12 answer to his request. However, having heard him state
13 his estimate of the war situation, which differed
14 from mine, although I found him sincere and earnest
15 for prompt peace, I felt that I could hardly accept
16 the responsibility of directing diplomacy unless we
17 had identical opinions on the prospect of the war,
18 and left, telling him so. I soon received earnest
19 and serious persuasions from many quarters to enter
20 Admiral SUZUKI's Cabinet and enlighten him on the
21 matter: Admiral OKADA; Mr. MATSUDAIRA Tsuneo and
22 Mr. HIROTA Koki, seniors of the diplomatic service;
23 Marquis MATSUDAIRA Yasumasa, Private Secretary to
24 the Lord Keeper of Privy Seal; SAKOMIZU Hisatsune,
25 Chief Secretary of the Cabinet, urged me to accept the

1 post. After another talk with Admiral SUZUKI at which
2 I reiterated my views, he agreed to them, as a result
3 of which I accepted the appointment.

4 "135. Upon becoming Foreign Minister, my
5 chief concern was how to realize my long-cherished
6 desire, prompt restoration of peace. Shortly after
7 taking office, I received a call from our Minister
8 to Finland, SAKAYA Tadashi, who told me that some
9 arrangement had been made between my predecessor, Mr.
10 SHIGEMITSU, and the Swedish Minister, Mr. Bagge,
11 according to which the Swedish Government would, on
12 its own initiative, sound out the American peace terms
13 and inform us. Minister SAKAYA asked my opinion of
14 this plan. I replied that it was the first time that
15 I had heard anything about it, but that such services
16 by Minister Bagge and his Government would be very
17 much appreciated by me, inasmuch as I was eager for
18 an early peace. I instructed him to convey to Mr.
19 Bagge my words to that effect. Nothing came of
20 this scheme, however, and in fact an attempt in
21 another direction was begun soon, that of securing
22 Soviet mediation for peace.

23 "136. As early as 1942, as I have already
24 stated, I had attempted to bring about world-peace,
25 using the good relations between Japan and the USSR

1 as a starting point, but the situation had greatly
2 changed since that time. On 5 April 1945 -- shortly
3 before I became Foreign Minister -- the Soviet
4 Government had given notice of abrogation of the
5 Neutrality Pact, though it had by its terms still
6 more than a year to run. Immediately upon my
7 assumption of office I received requests from mili-
8 tary and other quarters to make efforts for coopera-
9 tion with the USSR, but it seemed to me that it was
10 too late, and I therefore warned them that the possi-
11 bility of Russia's having concluded an agreement with
12 Britain and the United States for division of the spoils
13 of the war had to be taken into consideration, and I
14 carefully watched the world situation with a view to
15 seizing a good opportunity for the restoration of
16 peace.

17 "237. Toward the end of April, the defeat
18 of Germany became an accomplished fact, and in the
19 beginning of May the Doenitz regime surrendered
20 unconditionally. I considered that this surrender
21 provided an opportunity to achieve the ending of the
22 war, and therefore, in early May, when I reported to
23 the Emperor on the causes of the defeat of Germany,
24 among which air raids were one of the major factors,
25 I took the opportunity to add that now that air raids

1 on Japan were becoming severer we should promptly
2 bring the war to an end. I advised the Premier to
3 the same effect, and urged him to convene a meeting
4 composed only of the principal members of the
5 Supreme Council for the Direction of War. The
6 reasons for this were that the ordinary meetings, in
7 which the secretaries participated, had a tendency
8 to be formal and adopt a strong stand, and there was
9 also danger of leakage of secrets to the lower mili-
10 tary ranks through such meetings. My advice was
11 adopted and the principal members of the Supreme
12 Council met three times in the middle of May.
13 (General UMEZU can also claim some credit for bring-
14 ing about the meetings in this form.) At the meeting
15 of 14 May, after much discussion it was agreed that in
16 view of the war situation and events abroad, Japan
17 should realize a speedy termination of the war. As to
18 the measures to be adopted, it was further agreed that,
19 although an approach through the Chungking regime or
20 negotiations through such neutrals as Switzerland or
21 Sweden could be considered, it was clear that an
22 approach through such countries would end in the
23 American demand for unconditional surrender; and that
24 therefore the only way was to request Soviet mediation,
25 although that too might be too late in view of the
world situation.

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"138. The policy thus being decided, I requested Mr. HIROTA to have a talk with Mr. Malik, the Soviet Ambassador, to feel out the Soviet reaction. They met several times in June, at Gora, Hakone. These conversations, Mr. HIROTA informed me, were productive of a friendly atmosphere. Meanwhile, on 6 June a meeting of the Supreme Council for Direction of the War was suddenly called, and on 8 June an Imperial Conference was held. I stated on that occasion that the international situation was so unfavorable for us, and that war-time diplomacy was to so great an extent under the influence of the war situation, that we were likely to find ourselves in a position of extremely great difficulty. The war situation continued to deteriorate.

"139. On the other hand, on several occasions since April I had explained my views on the necessity of ending the war quickly to the Lord Keeper of the Privy Seal, who informed me on 15 June that it was the Emperor's wish to see an early end of the war, and said that it was necessary to request Soviet mediation to gain an honorable peace even if the price was high, lest it become too late. On 18 June a meeting of the chief members of the Supreme Council was held, and after deliberation, an agreement was reached to the

1 effect that proper measures for ending the war should
2 be expedited, in view of the war situation. Accord-
3 ingly, I reported the developments to Mr. HILOTA and
4 urged him to speed up his conversations with the Soviet
5 Ambassador. On the following day I reported to the
6 Throne the measures taken regarding the U.S.S.R. and
7 the mission entrusted to Mr. HILOTA; the Emperor ex-
8 pressed his desire for an early ending of the war
9 without fail, in spite of the great difficulties, to
10 which I replied that I would exert myself to the ut-
11 most, doing everything in my power. On 22 June the
12 Emperor called into his presence the chief members of
13 the Supreme Council and expressed his wish that each
14 of us there assembled should exert his efforts toward
15 bringing the war to an end. It was about this time
16 that I learned that the heads of state of the United
17 States, Great Britain and China were soon going to meet
18 at Potsdam in a conference in which the Soviet chief
19 also would be taking part, and I wanted the Soviet
20 Government to be informed of the Emperor's wish for
21 an early peace before such a conference should take
22 place. I sent instructions therefore to Ambassador
23 SATO to convey the Emperor's wish to the Government of
24 the U.S.S.R. (exhibit No. 2696). Our intention to dis-
25 patch a special mission was also communicated to Moscow.

The Soviet reaction, however, was not favorable.

1 "140. On 26 July the Potsdam Declaration was
2 issued by President Truman, Prime Minister Churchill
3 and Generalissimo Chiang. At a meeting of the Supreme
4 Council of the following day, I pointed out that the
5 Declaration offered in effect a peace on terms, and
6 that serious consequences would follow if we rejected
7 it. It was therefore agreed that we should wait and
8 learn the Soviet reaction to the proposal for mediation.
9 At the Cabinet meeting that afternoon the same explana-
10 tion was given, and it was agreed that the Declaration
11 should be passed without comment and the press be
12 guided not to play it up, in order to guard against
13 unfavorable public reaction to it. The press unfor-
14 tunately reported the Premier's statement that the
15 government had decided to 'ignore' the Declaration,
16 which was interpreted in the United States and else-
17 where as a rejection and was used by President Truman
18 as justification for the use of the atomic bombs, and
19 by the U.S.S.R. as reason for entering the war against
20 Japan.
21

22 "141. On 6 August the atomic bomb destroyed
23 Hiroshima, and warning was served that the United States
24 would drop the bombs until Japan was annihilated if she
25 persisted in her rejection of the Potsdam Declaration.

TOGO

DIRECT

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1 I instructed Ambassador SATO to press for an interview
2 with Foreign Minister Molotov, at least to clarify the
3 situation. The request by the Ambassador was not ac-
4 ceded to by the Soviet Government, and although Mr.
5 Molotov returned to Moscow on 5 August, it was not
6 until the 8th that Ambassador SATO was notified that
7 Mr. Molotov would receive him at 5 p.m. of that day
8 (exhibit No. 2705). After that we received no communi-
9 cation from our ambassador. But in the morning of the
10 9th I received from the radio room of the Foreign
11 Ministry an urgent report that it had been broadcast
12 from Moscow that Mr. Molotov had handed to Ambassador
13 SATO a declaration of war against Japan. Hostilities
14 were also reported from Manchukuo to have commenced
15 at midnight preceding. At 11:15 a.m. of the 10th I
16 received Soviet Ambassador Malik at his request and re-
17 ceived from him the first formal communication from
18 his government notifying the declaration of war against
19 Japan. Having mentioned to him the Soviet commencement
20 of war when the Neutrality Pact was still in force, and
21 when the Soviet Government had not yet replied to
22 Japan's request for mediation between Japan and the
23 Allied Powers, I asked him to transmit to his government
24 our reply relative to the Potsdam Declaration.
25

"142. The situation having thus become very

1 serious, a meeting of the Supreme Council was held at
2 11 o'clock that morning. All members recognized the
3 difficulty of continuing the war after the use of the
4 atomic bomb and the Soviet entry into the war, and
5 no one in the Council expressed objection to acceptance
6 in principle of the Potsdam Declaration. Various
7 opinions, however, were expressed regarding the condi-
8 tions upon which it was to be accepted; all agreed that
9 the preservation of the fundamental structure of the
10 state should be made a condition, but the Army and Navy
11 High Commands and the War Minister wished to add three
12 more conditions: a) that the Allied forces would
13 refrain so far as possible from occupying the mainland
14 of Japan, and that if occupation was unavoidable it
15 would be on a small scale and would exclude Tokyo; b)
16 that the disarming of the Japanese forces should be done
17 voluntarily by the Japanese themselves; c) that the
18 punishment of war criminals should be entrusted to the
19 Japanese themselves. No agreement could be reached, and
20 the meeting was adjourned. A Cabinet meeting in the
21 afternoon was no more able to agree, though most of
22 its members agreed with me that the condition for accept-
23 ing the Potsdam Declaration should be limited to the
24 absolutely necessary one of preserving the fundamental
25 structure of the state. The matter was discussed that

TOGO

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1 night when the Supreme Council and the President of the
2 Privy Council met in the presence of the Emperor, at
3 his command. I repeated my previous statement and
4 strongly urged the acceptance of the Potsdam Declaration
5 without any condition excepting that of the preserva-
6 tion of the fundamental structure of the state, but
7 there were various opinions demanding other conditions
8 and insisting on their necessity. Finally the Emperor
9 expressed accord with my views and the wish that the
10 Potsdam Declaration be accepted to relieve the suffer-
11 ings of mankind and to save the country from ruin.
12 The decision having been given, a Cabinet meeting was
13 held thereupon at 3 a.m., and our answer was unanimously
14 approved by the Cabinet. Accordingly I ordered the
15 Minister in Switzerland to transmit it to the United
16 States and China through the Swiss Government, and the
17 Minister in Sweden to transmit it to the U.S.S.R. and
18 Great Britain through the Swedish Government (exhibit
19 No. 3).
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TOGO

DIRECT

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1 "143. Trouble arose again, however, when the
2 contents of the reply from the four Governments to the
3 Japanese Government became known to us. I learned of it
4 for the first time from the Foreign Ministry radio room,
5 and finding the phraseology somewhat unclear, instructed
6 the officials of the Ministry to study the text. They
7 reached the conclusion, after studying it carefully,
8 that it could be interpreted as being generally in con-
9 formity with our understanding that the Potsdam Declara-
10 tion did not imply a requirement of a change in the
11 fundamental structure of the state, and that we should
12 accept the Potsdam Declaration without proposing any
13 further conditions, unless we were prepared to face and
14 resolved to accept the breakdown and collapse of our
15 peace efforts. Meetings of the Cabinet and the Supreme
16 Council were held to consider this reply of the four
17 Governments. Stating my views in these meetings, I
18 strongly advised the acceptance of the Declaration with
19 no further representations; but there was strong opposi-
20 tion by the group led by the Minister of War, insisting
21 that the reply was unsatisfactory and unacceptable, and
22 that further negotiations should be attempted. In these
23 circumstances a conference was again called in the
24 presence of the Emperor in the morning of the 14th. Again
25 the conference could not reach a decision. At last the

1 Emperor himself stated that we must accept the Declara-
2 tion, that the polity and the existence of the Japanese
3 nation should be preserved and the sufferings and hard-
4 ships of mankind be alleviated. At 1 p.m. a cabinet
5 meeting was held, and subsequently the Imperial Rescript
6 accepting the Potsdam Declaration was promulgated. The
7 acceptance was communicated to the Allied Powers through
8 the Swiss Government in the morning of the 15th.

9 "144. The grave decision to end the war having
10 been made, Premier SUZUKI called a meeting of the
11 Cabinet on the 15th, at which he proposed the resignation
12 en bloc of the Cabinet for the reason that he had much
13 troubled the Emperor by having to request his decision,
14 and that someone else should replace him. All agreed,
15 and the resignations were submitted to the Emperor. On
16 the following day Prince HIGASHIKUNI called me and re-
17 quested me to remain as Foreign Minister in the Cabinet
18 which he was forming, but I refrained from accepting it
19 on the ground that the reason for Admiral SUZUKI's resig-
20 nation applied equally to me.

21 "145. As I have testified above, I had striven
22 throughout my career to see Japan maintain friendly and
23 peaceful relations with the world, and had exerted every
24 possible effort in the last critical months to improve
25 relations with the United States, Britain, China and the

1 other powers and to avert the Pacific War. At last I
2 was driven into a position where, as I saw it, conditions
3 no longer permitted me to oppose war, and I failed. But
4 from the day of the outbreak of the war I devoted my-
5 self with special care to bringing about as speedily as
6 possible the end of the war; and after becoming Foreign
7 Minister in April 1945 I worked actively toward that
8 end at the risk of my life, resisting all stubborn op-
9 position of various circles until at last the decision
10 for terminating the war by acceptance of the Potsdam
11 Declaration was reached on 14 August 1945. It is the
12 great sorrow of my life that I was not successful in
13 preventing war in 1941, but it is a matter of some con-
14 solation for me that I was able by my efforts to contribute
15 to lessening the suffering of mankind by ending it in
16 1945."

17 THE PRESIDENT: We will recess for fifteen
18 minutes.

19 (Whereupon, at 1443, a recess was
20 taken until 1500, after which the proceedings
21 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: The defendant is now available
5 for cross-examination.

6 THE PRESIDENT: Mr. Logan.

7 MR. LOGAN: If the Tribunal please, I desire
8 to cross-examine on behalf of the accused KIDO, Koichi.

9 CROSS-EXAMINATION

10 BY MR. LOGAN:

11 Q Mr. TOGO, the prosecution has suggested on
12 page 31,612 of the record that there was a little
13 gathering over at the Palace in the early morning of
14 December 8 to find out how this attack on Pearl Harbor
15 was going on. Now, tell us who all was at the Palace
16 about 3 o'clock on the morning of December 8, 1941.

17 A I know nothing about the report that there was
18 a small gathering at the Palace on the morning of
19 December 8 concerning Pearl Harbor -- concerning the
20 attack on Pearl Harbor.

21 Q Oh, I assumed that, Mr. TOGO; I asked you who
22 was present at that time.

23 A When I went to the Palace it was on account of
24 the message which had come from the American President
25 to the Emperor, and --

1 Q Now, Mr. TOGO, can you just try and con-
2 centrate a minute and answer the question I asked.
3 Just tell me, who was there at about three o'clock
4 that morning?

5 A When I went to the Palace for that purpose
6 I met Lord Keeper of the Privy Seal Marquis KIDO, the
7 Grand Chamberlain, and members of the Chamberlain's
8 office. These people I met in the waiting room, but
9 this was not a gathering such as you mentioned.

10 Q Now, don't misunderstand me, Mr. TOGO. I am
11 not saying the gathering was for that purpose. The
12 prosecution has claimed that.

13 Now, you didn't go there to find out how the
14 attack on Pearl Harbor was going on, did you?

15 A No, that was not my purpose.

16 Q And Marquis KIDO wasn't there for that purpose
17 either, was he?

18 A I understand that he was not there for that
19 purpose.

20 Q And the Grand Chamberlain and the Emperor were
21 not there for that purpose either, were they?

22 A When I was received in audience by the Emperor
23 I was received alone, and we did not have a gathering.

24 Q And certainly neither you, KIDO, the Grand
25 Chamberlain, or the Emperor discussed the question of

1 how the attack on Pearl Harbor was getting along at
2 that time, did you?

3 A The four people you mentioned did not gather
4 together. They were not all at the same place at the
5 same time; and, furthermore, Pearl Harbor was not even
6 mentioned.

7 Q There were no military men there either, were
8 there?

9 A I didn't meet a single military man there then.

10 Q Now, Mr. TOGO, as I understand your testimony,
11 you say that after Mr. Grow left you that morning you
12 first called Mr. MATSUDAIRA, Tsuneo, Minister of the
13 Imperial Household, to find out the procedure you should
14 adopt with respect to the telegram from President Roose-
15 velt; is that correct?

16 A I didn't call on the Imperial Household Minister,
17 and my affidavit doesn't say so. I talked with him by
18 telephone.

19 Q Well, that is what I implied. We are not
20 quibbling with words. You called him on the telephone.
21 I know that. But what I want to know is the principal
22 reason you called him was to find out the procedure;
23 isn't that so?

24 A Since I remember the words I used when I made
25 that telephone call, I will repeat them to you here.

1 "Ambassador Grew has just called on me and
2 brought a message from the President of the United
3 States to the Emperor."

4 THE MONITOR: Correction: "President Roose-
5 velt," instead of the "United States."

6 A (Continuing) "Ambassador Grew desires
7 to present this message personally to the Emperor, but
8 since it is in the middle of the night I should like to
9 ask how this matter should be disposed of."

10 That was the contents of my call to Mr.
11 MATSUDAIRA.

12 Q That is just what you have in your affidavit,
13 Mr. TOGO. But the question I asked you was, when you
14 called him you wanted to know the procedure to be
15 adopted with respect to this telegram because it was
16 an important message; isn't that true?

17 A Since what I have just told you constitutes
18 the whole of my telephone call, conversation with
19 Mr. MATSUDAIRA, you may place upon it any interpretation
20 you please.

21 Q What interpretation do you put on it, Mr. TOGO?

22 A Since my call concerned the steps to be taken
23 regarding Grew's proposed audience, if you want to call
24 it procedure I suppose you may do so.

25 Q I suppose you may do so, too?

1 A That is all right.

2 Q That is what I asked you in the first place.
3 Now, did you tell Mr. MATSUDAIRA, Tsuneo the
4 contents of the telegram?

5 A Since it was a telephone call I didn't tell
6 him of the contents.

7 Q Did he ask you what the contents were?

8 A Imperial Household Minister MATSUDAIRA did
9 not ask me any questions regarding the contents.

10 Q And you then called on the telephone Marquis
11 KIDO, Lord Keeper of the Privy Seal; isn't that true?

12 A Yes, I did so because Mr. MATSUDAIRA had told
13 me that the matter being political I should talk to
14 the Lord Keeper about it, and that is why I called up
15 Marquis KIDO.
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1 Q Now, you have set forth in your affidavit,
2 Mr. TOGO -- and I don't want you to repeat it -- the
3 telephone conversation you had with Marquis KIDO.
4 What I want to ask you is this: When you spoke to
5 Marquis KIDO on the telephone, did he ask you what
6 were the contents of that telegram?

7 A On the occasion of this telephone conversa-
8 tion, since the Imperial Household Minister had told
9 me that the matter was political, I told Marquis KIDO
10 that Ambassador Grew had brought a message concerning
11 the problem that had been under discussion since the
12 morning.

13 Q Now, Mr. TOGO, will you answer my question?
14 Did Marquis KIDO ask you what were the contents of that
15 telegram when you spoke to him on the telephone?

16 A Since I had already explained the nature of
17 the telegram, Marquis KIDO did not question me -- did
18 not ask me any questions over the telephone regarding
19 the contents of the telegram.

20 Q And you didn't tell him the contents of the
21 telegram over the telephone, either, did you?

22 A I didn't tell him of the contents over the
23 telephone.

24 Q And he made the suggestion to you that the
25 Emperor would receive you at any time, didn't he?

A Yes.

1 Q He did nothing whatsoever to obstruct an
2 interview between you and the Emperor that morning,
3 did he?

4 A I have no recollection that he did so.

5 Q Now, Mr. TOGO, you went to the palace and
6 you spoke to Marquis KIDO, and then you went and saw
7 the Emperor.

8 A Yes.

9 Q And you left the palace after your audience
10 with the Emperor at about 3:15 a.m., isn't that so?

11 A Yes, just around that time.

12 Q Now, did you see Marquis KIDO after you left
13 the Emperor?

14 A No.

15 Q You know something, Mr. TOGO, about the
16 duties of Lord Keeper of the Privy Seal, don't you?

17 A The Lord Keeper has the responsibility of
18 advising the Emperor at all times.

19 Q And it was his duty to answer questions of
20 the Emperor when he was asked by him, isn't that so?

21 A Yes; I understand by "advising the Emperor
22 at all times" to mean that if the Emperor should address
23 any questions to him, naturally he would answer them,
24 and whenever he felt it necessary he would give the
25

Emperor advice from his side.

1 Q In response to an inquiry?

2 A It goes without saying that if the Emperor
3 should ask him a question he would answer it. But even
4 if no questions were asked, whenever he felt it neces-
5 sary and if he felt it fit to do so, he would offer
6 advice from his side to the Emperor. That is what I
7 understand by the term "advice at all times."
8

9 Q And that was for the purpose of assisting
10 the virtues of the Emperor, isn't that true?

11 A Assisting the what of the Emperor?

12 Q Virtues.

13 A In a broad sense, I suppose you can call
14 it virtues.

15 Q Now, the Emperor was a man of peace, wasn't
16 he?

17 A Yes, I am convinced of that.

18 Q And if the Lord Keeper of the Privy Seal's
19 views conflicted with those of the Emperor, the
20 Emperor would discharge him, wouldn't he?

21 A Since that is a matter that concerns the
22 Emperor and the Lord Keeper alone, I think it is neither
23 fitting nor proper that I should give an answer to
24 that question, and I do not feel qualified to do so.
25

Q But you felt qualified, Mr. TOGO, as a man

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Q But the Emperor and Marquis KIDO did not attend the meeting in the morning. Neither did they attend the meeting after three o'clock; isn't that true?

A That is so.

Q And isn't it a fact, Mr. TOGO, that at the meeting between two and three o'clock, at which Marquis KIDO was present, that he did not say anything at that meeting?

A KIDO did not make any remark.

Q Now, you say in your affidavit that you explained in detail the Japanese-American negotiations to the Senior Statesmen at this morning and afternoon session.

A No, my affidavit does not say so. During the morning session I did give detailed explanations, but in the afternoon session which the Emperor attended I neither explained nor made any remark.

Q Well, in any event, at either the morning or afternoon session you did explain in detail the Japanese-American negotiations; isn't that true?

A As is stated in my affidavit, during the morning session I explained in detail regarding these negotiations.

Q And did you discuss the Hull note of November 26th?

1 A I did explain in detail regarding the Hull
note.

2 Q And did you mention the telegram of November
3 26, 1941, from Ambassador NOMURA and KURUSU with respect
4 to the recommendation of President Roosevelt cabling
5 the Emperor?

6 A Since that telegram was not -- was of such
7 a nature that it could not even be taken up, I did not
8 mention it to the Senior Statesmen.

9 Q Will you explain that to us, Mr. TOGO?

10 A The telegram from NOMURA and KURUSU was of
11 the following nature: First, that the President and
12 the Emperor exchange telegrams, and then that the
13 Japanese Government guarantee the neutrality of the
14 Netherlands East Indies, Thailand and French Indo-China.
15 This telegram reached us on the 27th.

16 THE MONITOR: Japanese court reporter.

17 (Whereupon, the Japanese court reporter
18 read.)

19 THE INTERPRETER: Correction: Before "This
20 telegram reached us on the 27th," please insert "By
21 these means it was hoped that the situation would be
22 saved."

23 A (Continuing) This telegram had been sent
24 by the two ambassadors to Tokyo before the Hull note
25

had been delivered to them. And immediately after receiving the Hull note, the two ambassadors sent a further telegram to Tokyo stating that the success of the negotiations was now impossible and that the next thing to be thought of was the procedure to be taken when free action would -- to carry out free action on Japan's part. This second telegram proves that the two ambassadors felt also that their first advice to Tokyo was useless.

Furthermore, in connection with this telegram, President Roosevelt himself told the two ambassadors that if there was no agreement in fundamental principles, no provisional agreement could be executed.

Furthermore, concerning the fact that the contents of the advice given by the two ambassadors in this first telegram was not capable of being taken up by our side -- were not possible of being taken up by our side -- on the morning of the 28th I met with the Prime Minister and the Navy Minister and discussed this matter with them and we came to the conclusion that the situation could not be saved by such means.

Furthermore, since this telegram requested that Marquis KIDO be consulted on the matter also, I believe it was around 11:30 a.m. of November 28th that before being received in audience by the Emperor I met

1 Marquis KIDO and told him about this telegram together
2 with the Hull note.

3 Q Mr. TOGO, may I interrupt a minute. That
4 last part is in your affidavit; but all you have just
5 recited to me is part of the Japanese-American diplo-
6 matic negotiations. Now, why couldn't you have told
7 the Statesmen what you just told me?

8 A I was just about to reach that point, so
9 please wait a few minutes.

10 Therefore, when I talked to KIDO on this
11 matter, he said that the solution proposed by the
12 ambassadors was impossible, and, that if insisted in,
13 civil war would result.

14 Q That, too, is in your affidavit, Mr. TOGO.

15 THE PRESIDENT: Let him finish, Mr. Logan.

16 MR. LOGAN: Pardon me for interrupting.

17 THE PRESIDENT: Now, you can't interrupt.

18 A (Continuing) Therefore, Marquis KIDO told
19 me that I should reply to Washington -- to the
20 ambassadors at Washington that their proposal was
21 unadoptable. He stressed that point to me and there-
22 fore on the afternoon of the 28th I sent a telegraphic
23 reply to the ambassadors stating that I had talked
24 with KIDO and that he had felt that the proposal was
25 impossible and that therefore it was improper.

1 THE MONITOR: Japanese court reporter.

2 (Whereupon, the Japanese court reporter
3 read.)

4 THE INTERPRETER: Correction on the last
5 part: "...on the afternoon of the 28th I cabled a
6 reply to the ambassadors in Washington stating that
7 I had talked with Marquis KIDO about their proposal,
8 but that he felt that it was improper.

9 A (Continuing) Such being the circumstances,
10 the question of the telegram and Marquis KIDO was
11 already a closed question -- the matter of the telegram
12 sent by the two ambassadors was already a closed
13 question.

14 THE MONITOR: Delete the name "KIDO."

15 A (Continuing) And that is why on the morning
16 of the 27th -- at the gathering on the morning of the
17 27th -- I did not mention that matter.
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1 Q Whether it was a closed matter or an open
2 matter, the fact is that you didn't tell the Elder
3 Statesmen what you have just recited to this Tribunal,
4 did you?

5 A Naturally, I didn't.

6 Q Turning to another subject; we will come back
7 to the conversation with KIDO in a little while, but,
8 turning to another subject now, you state in your affi-
9 davit that it was not until July -- I presume you meant
10 1942 -- that you discovered that the Emperor had ex-
11 pressed in February to Premier TOJO his desire for the
12 early restoration of peace. Now, did you know that
13 Marquis KIDO on February 5, 1942, had made this sugges-
14 tion to the Emperor and, as a result of it, that he had
15 conferred -- he and the Emperor had conferred with
16 Premier TOJO about it?

17 A Regarding the details of that, I heard about
18 it for the first time during this trial, but regarding
19 the fact that the Emperor had told TOJO of his desire
20 for peace, the Emperor himself told me of this in July.

21 Q Now, at the bottom of page 41 and the top of
22 page 42, are you making a complaint there because KIDO
23 had never spoken about this matter to you, when you say
24 that "he," meaning TOJO -- "neither he," meaning TOJO,
25 "nor the Lord Keeper of the Privy Seal had ever mentioned

1 it to me"?

2 A In ordinary circumstances, if the matter con-
3 cerned fundamental diplomatic -- fundamental foreign
4 policy, I think it is proper that the Emperor should
5 tell the Foreign Minister about it when the Foreign
6 Minister goes to the palace to report to the throne,
7 and also that the Lord Keeper should tell the Foreign
8 Minister of this.

9 THE MONITOR: Japanese court reporter.

10 (Whereupon, the Japanese court
11 reporter read.)

12 THE INTERPRETER: Correction: "In ordinary
13 circumstances, when the matter concerns our fundamental
14 foreign policy, I believe it is fitting and proper that
15 the Imperial will should be conveyed to the Foreign
16 Minister by the Lord Keeper also when the Foreign
17 Minister goes to the palace to report to the throne."

18 Q So, you are making a complaint that Marquis
19 KIDO didn't tell you about it at that time, is that true?

20 A Yes, as you say.

21 Q And, you make that complaint, Mr. TOGO, not-
22 withstanding the fact that in February, 1942, Japan was
23 riding high, wide, and handsome on victory and the word
24 "peace" couldn't even be whispered in Japan?
25

A Whatever the general feeling or the general

Q Now, Mr. TOGO, Marquis KIDO, under the Japanese constitution and ordinances, was not an adviser to you or any other cabinet minister, was he? He was an adviser to the Emperor, isn't that so?

A No, of course, he was not a cabinet adviser, but the relation of the Lord Keeper to the cabinet ministers is this way: In most cases, when a cabinet minister desires to convey anything to the Throne, he tells it to the Lord Keeper. The purpose in so doing is that, since the Lord Keeper has the duty of advising the Emperor at all times, it is to enable the Lord Keeper to better fulfill that purpose.

Another reason for so doing is that it was desired that what a minister reported to the Throne would not be misrepresented -- would not be taken in a different meaning and, therefore, for the sake of making sure, he would tell the Lord Keeper what he already told the Emperor. That has been the Japanese custom.

On the other hand, there were occasions when the Lord Keeper would convey to the cabinet ministers, sometimes formally and sometimes informally, what was the Imperial will.

In view of those circumstances, you must consider the fact that the Lord Keeper stood between the cabinet ministers and the Emperor, acting more or less

1 as a go-between; that, in actual practice, that was one
2 of the duties.

3 Q Well, he was not an adviser to the cabinet
4 members in other words, is that true?

5 A The fact that he was not an adviser I have
6 already told you.

7 THE PRESIDENT: We will adjourn until half
8 past nine tomorrow morning.

9 (Whereupon, at 1600, an adjourn-
10 ment was taken until Friday, 19 December
11 1947, at 0930.)
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